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The Washington Monthly

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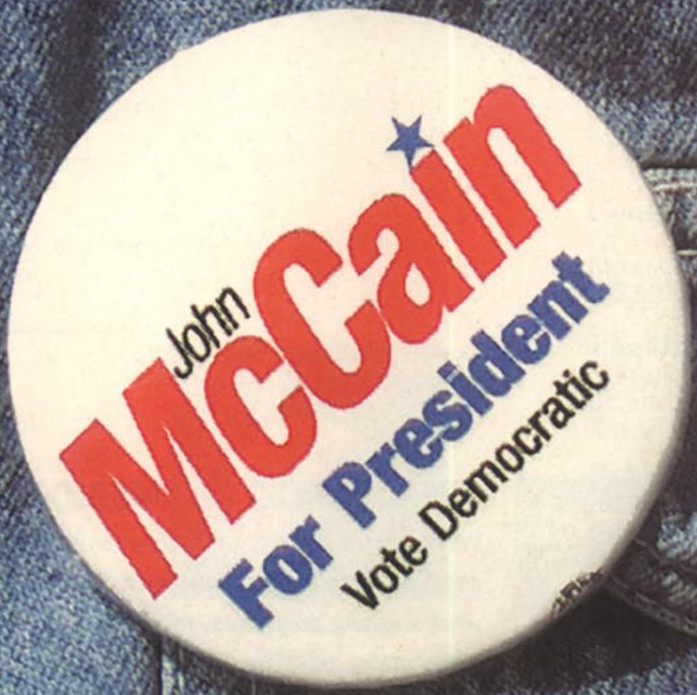

By Joshua Green

Michael Isikoff on Ken Starr

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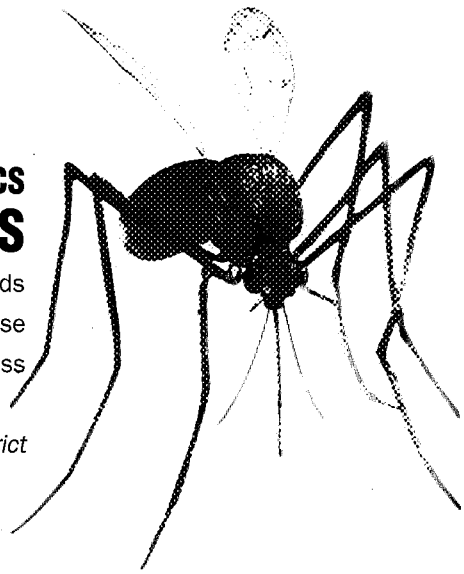
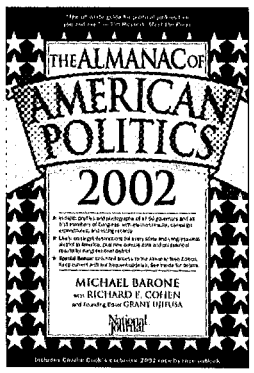
EVERYTHING YOU NEED TO KNOW ABOUT AMERICAN POLITICS
INCLUDING BLOOD-SUCKING WHINERS

"Behind the Shore are swamp and flatland, the Pine Barrens and vegetable fields that give New Jersey the name 'Garden State.' Growth has been slow in these small towns and gas station intersections, communities in whose eerie calmness in the summer you can hear mosquitoes whining."

—*The Almanac of American Politics on New Jersey's 2nd Congressional District*





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Letters

Tough Enough?

Paul Glastris's article "Why Can't the Democrats Get Tough?" (March 2002) was an extraordinary analysis of the death of democracy in this country. The Democratic Party has lost its focus, and its most formidable members are fawning for favor by prefacing every public statement with some nauseating assertion about supporting the president.

It seems that any criticism, any counterattack, any truth about the terrible errors being committed by President Bush and his cohorts may be seen as unpatriotic and anti-American. How terribly sad—and horribly portentous of things to come. Glastris's closing comment, however, left me smiling with hope. What a marvelous thought, that Bill Clinton would take on the opposition and become the standard bearer of the Democratic Party once again. Please, please, send this article to his New York office right away. He might just save us all. Many thanks for an excellent bit of reading in these distressing times.

REGGIE AVRAHAM
Brooklyn, N.Y.

This was an absolutely first class article. It's about time someone said these things and said them loudly. Thank you. The party needs new leadership, period. Someone who is prepared to get his/her hands dirty and who is prepared to kick some ass. We need a general who develops a party strategy and who will read the riot act to these wimps when they cannot find the backbone to speak up. We need our own strongman, and Tom Daschle ain't it. We should get rid of the entire current party leadership. We Democrats need our own Giuliani. Our own Gingrich. I'll never forget that the first person to call on Al Gore to throw in the towel after the Supreme Court ruling was Ed Rendell—*the Chairman of the Democratic Party.* And now he wants to be a governor. Where on earth do we find these people?

This is not going to change until Daschle, Gephardt, and the rest resign their leadership positions. Since that is futile to expect, I'm afraid we must live with this a little while longer. You have the pulpit, though, from which to create a grassroots campaign to drive these wimps out.

WINSTON L. COOPER
via email

This is one odious bit of claptrap, special pleading and willful ignorance. No sane, fair observer of political events in this country since the Hoover administration could possibly fail to recognize that, while there is a noisome whiff to politics in general, it is the Democrats who lead the field in character assassination, vote fraud, corruption, mean-spiritedness, and sheer stupidity. This would be outrageous if it were a) in some media where someone would pay some attention b) not so obviously another death throe of the irrelevant left. The only prayer the Democrats have of any sort of electoral success in the near future lies in abandoning the race-baiting, taxpayer pillaging and "victim" coddling policies it has spent 60 years developing.

KEN WATSON
Atlanta, Georgia

Thumbs Down to Monsters, Inc.

In Shannon Brownlee's article "Designer Babies" (March 2002), we are given the impression that extensive research was done to explore the most important issues affecting fertility and biotechnology today. In fact, the article includes numerous suppositions and makes inferences that miss the mark because of inaccuracies, misunderstood information, and a lack of research. Consider, for example, the "clinic doctor" who has no idea how many embryos to transfer. In reality, recommendations for embryo transfer have been made by a number of well-respected professional organizations including both the Society for Assisted Reproductive Technology and the American Society of Reproductive Medicine. In addition, the insinuation that scientific development in the field of fertility research can only be accomplished through the work of "high-caliber, federally funded embryologists" is not only false but is an insult to those who work tirelessly to provide the best outcomes for patients. Although the federal government has banned all funding for embryo research, and has turned its back on this vital public issue, the fertility industry has made great scientific strides. While its reproductive endocrinologists are board certified by the American Board of Obstetrics and Gynecology, the fertility clinics themselves are licensed by the federal Health Care Financing Administration and College of American Pathologists as well as by state health departments. Medical standards protocols are provided by the American College of Obstetrics and Gynecology, by the American Society of Reproductive Medicine, and by the Society for Assisted Reproductive Technology. These organizations make recommendations and guidelines on important issues such as gamete donation and donor screening, and sex selection. They also report pregnancy rates, as do the Centers for Disease Control. As such, any "miraculous claims" regarding pregnancy rates may be readily verified by consumers. I would be remiss if I did not also mention that the irresponsible use of a *Monsters, Inc.* photograph to accompany the article is offensive to the families who seek fertility treatment and to the medical professionals who care for them. It illustrates how sensationalizing fertility issues prevents us from taking a hard look at the most challenging issues in the field.

DR. JAMES A. GRIFO
President, Society for Assisted Reproductive Technology
Director, Division of Reproductive Endocrinology, New York University

Shannon Brownlee replies: Dr. Grifo and I are in complete agreement that the federal government erred in turning its back on the fertility industry, which provides a vital service to many couples. But one has to wonder how much ethical guidance ASRM and SART are providing when clinics are left to decide on their own whether to proceed with germ-line-altering experiments or to provide sex selection to a given couple. Both organizations were late in issuing guidelines on how many embryos to transfer, as made clear by the rising rate of multiple births from fertility treatment in the 1990s. And all the board certifying and licensing to which Dr. Grifo refers cannot make up for the lack of basic and clinical research that is desperately needed to ensure the safety of mothers and future generations.

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Enron 101

Charles Peters claims that *Fortune's* Bethany McLean "was the first journalist to blow the whistle on Enron" ("Tilting at Windmills," March 2002). Actually, the problem is that no journalist blew the whistle on Enron. The collapse was a *fait accompli* by the time the media—and that includes Ms. McLean—got around to reporting it. This follows an established and disturbing pattern: During the 1980s, the press was likewise unable to uncover the massive S&L collapse until after several lending institutions had already collapsed.

By way of comparison, scandals inside government are "easy pickings" for reporters. There are too many inside sources in that venue more than willing to talk. But when it comes to penetrating the goings-on in corporate suites, the media invariably fail to break the story. In Enron's case, the media told us about the precipitous stock price decline as it was happening, not before. The business press should become concerned enough about this alarming trend that their next logical step would be to offer a new training program: "How to spot corporate meltdowns before it's too late."

ROY ULRICH
Los Angeles, Calif.

Bankruptcy Battle

David Cay Johnston's review of my book *Debt's Dominion: A History of Bankruptcy Law in America* ("Protection Racket," March 2002) lambastes me for neglecting both the "rich treasure of bankruptcy lore" that emerged from the savings and loan crisis of the 1980s and the legislative changes that "gutted partnership laws" in ways that may have contributed to misbehavior by accountants and lawyers.

The problem with Johnston's complaint is that neither the S&L crisis nor the partnership changes were caused by, or even had any direct connection to, bankruptcy. The S&L crisis was not "a rich treasure of bankruptcy lore" for the simple reason that banks and S&Ls have long been excluded from bankruptcy laws. Rather than bankruptcy, their failures were handled by the same state and federal regulators who oversee healthy banks and S&Ls.

Johnston's complaint that "readers will learn nothing about partnership law 'reform'" in *Debt's Dominion* is also misleading. The changes he has in mind are innovations in state business law that attempt to shield accounting firm partners who weren't involved in, say, the Enron account, from the liability of partners who were. As with the S&L crisis, this simply isn't a bankruptcy scandal.

These mistakes and misleading innuendoes obscure Johnston's more useful suggestion that I should have discussed executives' success in protecting their own pay and pensions in recent bankruptcy cases, while less fortunate employees sometimes get little of either. The increasing use of executive-retention agreements can be seen as a revival of the practices—which *Debt's Dominion* does discuss in detail—that spurred future Supreme Court Justice William Douglas and other New Deal reformers into action against the executives and Wall Street professionals who dominated large scale corporate reorganizations during the 1930s.

I do not claim to be as elegant a writer as Johnston himself. But I do claim that *Debt's Dominion* explains how and why U.S. bankruptcy law developed so differently from the bankruptcy laws of other countries. I encourage readers to decide for themselves whether my historical explanation of the uniquely American response to financial distress is compelling.

DAVID A. SKEEL, JR.
University of Pennsylvania Law School
Philadelphia, Penn.

David Cay Johnston replies: Of course regulators take over failed savings and loans, but, as Prof. Skeel must know, their corporate parents filed bankruptcy. Charles Keating's infamous Lincoln Savings & Loan, for example, was taken over by regulators, while its parent, American Continental Corp., filed Chapter 11. The thrifts were looted by borrowers, who used inflated appraisals and phony financial statements to obtain funds they had no hope of paying back. Many of these borrowers then filed bankruptcy. Prof. Skeel's narrow view of what is relevant to bankruptcy law apparently keeps him from appreciating the connection between the S & L scandals and the subsequent gutting of partnership laws.

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Tilting at Windmills

BY CHARLES PETERS

Bureaucratic Buddies • Pentagon Payoffs • White's Flights
Mrs. Iron Triangle • Judicial Mating • Love vs. Manolo Blahniks

IN LATE SEPTEMBER, A COUPLE of weeks after the attack on the World Trade Center had sobered even the most frivolous Manhattanite, *The New York Times* interviewed some of the city's singles to find out how their lifestyle had been changed by the tragedy. Most replied that finding a serious committed partner had become a much higher priority. One of them, Olga Valdes, "who had spent much of her professional life as a marketing executive," had just met a handsome architect from New Hampshire: "I felt this pure honesty coming from him ... I've met the man I'm going to marry." As time went by, the epiphanies of 9/11 began to fade. Ms. Valdes went to New Hampshire to visit her architect. When she suggested he needed a new fence he told her that it would cost a lot of money, $400 to be exact. "I was thinking to myself, 'The shoes on my feet are $400.'"

The relationship ended. "He's a wonderful guy, but when reality set in I realized that our goals and ambitions were too different. He had a lifestyle on completely the opposite end of the spectrum of anything I've ever had."

Of course. After all, what's pure honesty compared to $400 shoes?

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DID YOU READ ABOUT THE PENTAGON civil servant who used her government credit card for $12,000-worth of personal expenses? The bureaucratically innocent may assume that she was fired. Those who know the civil service know better. She has transferred, but she still works for the Pentagon. She wasn't even asked to repay the $12,000. Can anything be done about this problem? Do we have to keep incompetent or misbehaving civil servants forever? There is an answer to the problem, and it comes from the Peace Corps, which has a system of two-and-a-half-year appointments. It's still hard to get rid of the bad apples immediately, but you don't have to keep them around for life. When their appointments are up, you simply don't renew them.

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M. DIANE ALLBAUGH, THE WIFE of FEMA director Joe Allbaugh, has joined the lobbying firm headed by former Republican National Committee chairman Haley Barbour. She says she won't work on any matters involving FEMA. But it's hard to believe her clients, including three energy companies, care that much about FEMA. Her much more important asset is the fact that, since her husband made up, along with Karl Rove and Karen Hughes, the "Iron Triangle" that guided George W. Bush through the Texas governorship to the White House, it is just possible that his influence extends beyond FEMA.

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EARLY IN THE MORNING OF Aug. 21 of last year, Chang Wu, a broker at PaineWebber's Houston office, emailed his clients that Enron's "financial condition is deteriorating" and urged them to reduce their holdings in the company's stock.

When an Enron executive found out about the email later in the day, he sent a message to Wu's superiors at PaineWebber saying "Please handle this situation. This is extremely disturbing to me." Three hours later, Wu was fired. Could this have had anything to do with these facts, reported by Richard A. Oppel, Jr. of *The New York Times*: "PaineWebber managed Enron's stock option program for employees and handled brokerage accounts for many company executives. It also did substantial investment banking work for Enron, which generated fees for the firm"?

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THE COURTSHIP OF CLERKS HAS become one of the minor scandals of the federal judiciary. Judges have always sought the best law-school graduates to serve for one or two years as their clerks. The reason is simple: the brighter and more industrious the clerk, the better the judge looks and the easier his job is. Traditionally, the mating game began in the student's third year, but competition gradually moved it back into the second year, further intruding the distraction of future employment into the students' legal education. Now there is supposed to be a reform. A plan devised by two circuit court judges, Edward A. Becker and Harry T. Edwards, provides for a moratorium on recruiting second-year law students starting this coming fall and the resumption of the traditional third-year hiring the following year.

This plan is said to have the support of 92 percent of federal judges. But if 8 percent are going to sin and try to make off with the cream of the potential clerk crop, won't the righteous zeal of the other jurists quickly fade, as they scramble to avoid being left with the less-stellar? One is reminded

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that a previous reform, an attempt to forbid hiring before noon of March 1, fell apart when, as *The Washington Post*'s Neely Tucker describes it: "Judges who called at noon found their chosen students had been snatched away by colleagues whose watches seemed to be running a few minutes fast."

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MICHAEL KELLY, THE COLUMNIST and editor of *The Atlantic*, has long been one of the most dedicated frothers-at-the-mouth whenever Bill Clinton's name is mentioned. But he may have outdone himself recently when he described the source of "the nearly unbelievable degree of his essential unfitness to be president—his profound immaturity, his pathological selfishness, his cynicism, above all his relentless corruption."

To attend to just the last of this litany, there is to my knowledge absolutely no evidence that Bill Clinton was corrupt in the sense that the word is usually applied to politicians, which is to say they padded their personal bank accounts with money paid to them for public favors. As governor of Arkansas, Clinton could have become a rich man, as many governors of similar states have, but he definitely was not rich when he left Little Rock. Hadn't he made money from Whitewater? Even the independent counsel says the answer is no. And however ill-advised some of his pardons may have been, there is no evidence he personally profited from them. Indeed, a large number of the pardons were for impecunious minor drug offenders.

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ONE OF THE OLDEST SCANDALS in the medical profession is hospitals and senior physicians enriching themselves by overworking low-paid interns and residents. Is something finally going to be done? A bill in Congress called the Patient and Physician Safety and Protection Act sounds hopeful. But the "reform" it requires is limiting the work week to 80 hours with no more than 24 hours at one stretch. The problem is that research reported in the *Journal of the American Medical Association* shows that a person who stays awake for 24 hours performs at the level of one who is legally drunk.

Shouldn't Enron inspire even the most conservative to realize that some regulation of business is needed?

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REMEMBER THE bullies who used to torment you on the playground? I was fortunate in having only two to contend with in my childhood, and each for a relatively short time. But those experiences were enough to make me appreciate what a nightmare bullying can be for its victim. Apparently these days their favorite targets are boys who are or who seem gay. My hometown paper, *The Charleston Gazette*, recently reported an example:

A boy named Matt had a picture drawn of him in art class. He was hanging from a noose and labeled a "faggot." As he was walking home a few days later, an older boy put his arm around him and said, "You're coming with me." After a few steps, he pushed Matt to the ground and he and a friend kicked Matt as a third boy laughed. They proceeded to light one match after another and drop it on his stomach. Finally, they let him scramble to his feet, yelling after him, "Run, faggot, run."

His mother appealed to school authorities. Here's what they did. They had Matt sit alone in the art class away from the other students, and they held his tormentors for 15 minutes after school. The authorities told his mother, "This would give him time enough to get home if he hurried."

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THE FINAL REPORT OF WHITEwater independent counsel Robert Ray, whose objectivity has been certified by his candidacy for the Republican nomination for senator from New Jersey, said "that evidence [of criminal conduct by the Clintons] was, ultimately, of insufficient weight and insufficiently corroborated to obtain and sustain a criminal prosecution beyond a reasonable doubt." All that's missing is a wink and a nudge to accompany Ray's implication: "Boy, do we know they're guilty! We just don't have quite enough to satisfy legalistic judges."

I like David Kendall's comment that Ray might just as well have said that he had found insufficient evidence "from which a jury might infer beyond a reasonable doubt that the Clintons had pilfered Powerball tickets, trapped fur-bearing mammals out of season, or sold nuclear secrets to Liechtenstein."

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OUTSIDERS WORRY THAT TOO many government jobs are filled by political patronage. But insiders know that far more jobs are filled by the patronage of friendship, known in the trade as the buddy system. The insiders know but don't want the rest of us to know, so they can quietly fill the jobs with their pals. Of the 60,000 middle-management jobs that opened up in the fiscal year 2000, only 13 percent were filled by people from outside government, according to a report by the Partnership for Public Service.

Even in the case of the 13 percent who are outsiders, the buddy system also applies, as when a civil servant's neighbor is tipped to a job opening, and a job description is written that magically fits the neighbor's talents.

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HERE'S A CHALLENGE FOR CONservatives. As neoliberals, we at *The Washington Monthly* have made a point of acknowledging when conservatives are right. But we've been disappointed by the failure of conservatives to reciprocate

As early as the 1970s we agreed with them that violent criminals belonged in jail and that business, the military, and religion should not be automatically scorned. Isn't it time for conservatives to admit when we liberals are right? Perhaps nonviolent first offenders don't belong in jail; maybe business, the military, and religion aren't always right. Shouldn't Enron inspire even the most conservative to realize that some regulation of business is needed? Shouldn't the Catholic Church sex scandal remind them that religion needs to be scrutinized as well as respected? And shouldn't the Pentagon budget remind them that while the military deserves our admiration, it shouldn't get every weapon system it asks for?

After an evening of television, I'm absolutely convinced that I suffer from half a dozen ailments from which only the latest pharmaceutical miracles can save me.

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THE BUSH ADMINISTRATION'S anti-regulatory bias is so automatic you would think some conservatives would be embarrassed. Add to the long list that has already appeared in recent "Tiltings" these three March headlines: "EPA Will Ease Coal Plant Rules," "FDA to Suspend a Rule on Child Drug Testing," "Bush Energy Order Wording Mirrors Oil Lobby's Proposal; Directive Targeted Regulations with 'Adverse Effects.'"

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ANY DOUBTS ABOUT GEORGE W. Bush's dedication to campaign reform were eliminated by his recess appointment—recess meaning it evades Senate confirmation for one year—of Michael E. Toner to the Federal Elections Commission. Toner comes to his new job fresh from serving as chief counsel to the Republican National Committee. Who could he think would be better qualified to be a fair-minded enforcer of the nation's election laws—Katherine Harris?

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"TV ADS SPUR a Rise in Prescription Drug Sales" reads a recent headline in *The New York Times*. Another headline, this from *The Wall Street Journal*: "In Europe, Prescription Drug Ads are Banned—And Health Costs Lower." Does this not suggest that we should reconsider our current policy? I don't know about you, but after an evening of television I'm absolutely convinced that I suffer from at least a half dozen ailments from which only the latest pharmaceutical miracles can save me.

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DID ROBERT RAY SEE REPUBlican politics in his future while he was serving as the Whitewater independent counsel? Here's what Christie Whitman, the former Republican governor of New Jersey and the current head of the EPA told Raymond Hernandez of *The New York Times* about what Ray said to her in a break in his testimony before a Senate appropriations committee—while he was still in that post: "He didn't talk to me about running, his personal running. He talked about whether or not the Senate race, no actually, I take it back. What he did was say he might have an interest in it."

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SPEAKING OF W, THE LATEST Bushism to come to my attention is "there's no cave deep enough for American justice."

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LAST MONTH WE REPORTED THAT the government was no longer attaining its goal of an air marshal on every flight into and out of Reagan National Airport. Next came the news that the 24-hour fighter protection of Washington and other obvious terrorist targets has been ended. It was no longer needed, explained the Secretary of the Air Force on March 19. On April 1, a Frontier Airlines plane flew within a block of the West Wing.

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YOU'VE PROBABLY READ ABOUT Army Secretary Thomas E. White's use of a military jet for a trip to close the sale of a house in Aspen. But you may have missed another military flight he took to Naples, Fla., where he checked out a waterfront property. It seems that White views public service as a better way to oversee his investments—not only in real estate, but in the stock market as well. According to *The Washington Post*, he has reported 84 phone calls, attempted calls, and meetings with his former colleagues at Enron since taking office last May. These intensified last October, just before White unloaded his 200,000 shares of Enron stock.

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SPEAKING OF AIR SAFETY, THE aviation security law enacted by Congress after September 11 required that checked luggage be examined by "explosive detection systems," but the Transportation Safety Administration has announced that smaller airports will not be required to install X-ray machines. The "system" these airports use will not exactly be the highest of high tech. They're going to rub the outside of the bags with a cloth. Seriously. This

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is somehow supposed to yield a telltale explosive residue. Maybe they should hire faith healers to do the rubbing. One thing is certain: Terrorists are going to be moving to Des Moines.

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THE DRUG COMPANIES ARE, AS WE have pointed out, doing a lot of advertising. But this does not mean that they have abandoned their traditional sales techniques. Earlier this year, according to *The Washington Post*'s Bill Brubaker, Forest Laboratories invited two dozen physicians to cocktails, dinner, and an overnight stay at New York's luxurious Plaza Hotel to get their "advice" on the treatment of depression. The next morning, the doctors participated in a seminar on depression, which—surprise, surprise—can be treated by a Forest drug called Celexa. After lunch, for which Forest picked up the tab, of course, each of the doctors was presented with a check for $500. Needless to say, this is the kind of experience that inspires warm and fuzzy feelings for Forest and Celexa on the part of the medical community.

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THERE ARE 103 NUCLEAR REACTORS in the United States. Only four were designed to withstand a plane crash. And even those were not built to withstand a hit from a plane as large as those hijacked on September 11. Admittedly, the source of this information, Rep. Edward J. Markey (D-Mass.) is a longtime critic of the Nuclear Regulatory Commission. But the commission itself, or to be more precise, its chairman Richard A. Meserve, admits, according to Matthew L. Wald of *The New York Times*, that it "does not keep track of the number of foreign citizens working at nuclear power plants, or how many guards are employed at the plants or what the owners spend on security."

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THE LAW BOOKS ARE FULL OF statutes that are rarely, if ever, enforced. One example forbids false testimony before Congress even if it is not under oath. Another, pointed out in a recent *Washington Post* op-ed by Michael Davis, a law professor, and Peter Arno, a professor of epidemiology, requires drugs developed wholly or in part with federal funds to be made available to the public at a reasonable price. Yet prescription drug prices are rising at the rate of 19 percent per year, even though in the case of anti-cancer drugs alone 54 of 84 approved by the FDA are products of federal funding.

It seems that Army Secretary Thomas E. White views public service as a better way to oversee his investments.

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MELVYN R. PAISLEY, WHO DIED recently, became a kind of celebrity in the 1980s for taking cash bribes from defense contractors while he was employed by the Pentagon. Many people think this is the way the military-industrial complex works. But the truth is that cash bribes are relatively rare. The inducement that is held out—implicitly rather than explicitly—to Pentagon employees is that their chances of gaining lucrative employment with defense contractors upon retirement will be greatly enhanced by a record of indulgence toward those contractors while stationed in the Pentagon.

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AS MOST READERS OF THE *Monthly* know, I've been like those federal judges in my dependence on a series of bright young people who come here for a couple of years to help put out the magazine and then go on to distinguished careers in journalism.

Although their level of intelligence has been consistently high, there has been one area in which I've found a good many of them wanting: their lack of knowledge of history, especially the history of the last century. That the problem may be true not just of them but of other members of their generation is suggested by a factual error in a recent *The New Yorker* review of the Broadway musical, "Sweet Smell of Success," based on the life of Walter Winchell, the most powerful gossip columnist of the 1930s and '40s.

"Winchell was wooed," reads the review, "first by FDR, to advance his political agenda, and then by Herbert Hoover as a conduit for nefarious right-wing disinformation." Of course, the author really means J. Edgar, not Herbert Hoover. Yet none of *The New Yorker*'s bright, young fact-checkers caught this obvious error. Less obvious, but still something that any student of the Winchell era would have known, is that the first 20 years of the Winchell—J. Edgar Hoover relationship were based on the columnist's building up Hoover as the great G-man crimefighter in return for Hoover's giving crime-news tips to Winchell. The "commie" phase of their relationship did not dominate until the late '40s and '50s when Winchell's career was in decline.

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OKAY, WE REALIZE EVERY READER over 50 is asking, "Is Dr. Peter Arno related to the great *New Yorker* cartoonist with the same name?" We were curious too, so we called Dr. Arno and asked. The answer is no. In fact, Dr. Arno told us that the real name of the *New Yorker*'s Peter Arno was Arnold Peters. No, I'm not related either.

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AGA
American Gas Association

MEMORANDUM
March 22, 2001

To: Joe Kelliher

Fr: Darrell Henry

Re: AGA Energy Policy Principles.

I'm sure you may already have this information, but here again are the AGA energy policy principles and additional background for your consideration as you work on the Energy Task Force policy recommendations. We had a good meeting this morning with Joe McMonigle and offered any assistance that AGA or the new coalition, which has been formed to support the development of a comprehensive national energy policy, could provide. I will follow up with you shortly on these recommendations and your efforts for the task force.

c: Rick Shelby

* Section 203. Interagency Working Group on Natural Gas.

Establish, within the Office of National Energy Policy, an Interagency Working Group on Natural Gas to produce a biannual report setting forth a policy and strategy relating to expanding natural gas usage. The Working Group will consult with cognizant state agencies to receive their views with respect to such a strategy.

* Section 204. Interagency Task Force on Exploration and Production on Federal Lands.

* Establish, within the Office of National Energy Policy, an Interagency and Intergovernmental Task Force on Energy and Federal Lands to streamline regulation of exploration and production on federal lands (including federal waters and the Outer Continental Shelf), while protecting the environment.

The task force shall, within 6 months, prepare and deliver a report to the President and Congress assessing existing impediments to development of the domestic natural gas resource base on federal lands. The report shall include, among other things, an identification of those impediments that may be overcome by federal administrative action and those impediments that require legislative action.

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Presidential Documents

Executive Order 13212 of May 18, 2001

Actions To Expedite Energy-Related Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to take additional steps to expedite the increased supply and availability of energy to our Nation, it is hereby ordered as follows:

Section 1. *Policy.* The increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people. In general, it is the policy of this Administration that executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.

Sec. 2. *Actions to Expedite Energy-Related Projects.* For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections. The agencies shall take such actions to the extent permitted by law and regulation, and where appropriate.

* **Sec. 3.** *Interagency Task Force.* There is established an interagency task force (Task Force) to monitor and assist the agencies in their efforts to expedite their review of permits or similar actions, as necessary, to accelerate the completion of energy-related projects, increase energy production and conservation, and improve transmission of energy. The Task Force also shall monitor and assist agencies in setting up appropriate mechanisms to coordinate Federal, State, tribal, and local permitting in geographic areas where increased permitting activity is expected. The Task Force shall be composed of representatives from the Departments of State, the Treasury, Defense, Agriculture, Housing and Urban Development, Justice, Commerce, Transportation, the Interior, Labor, Education, Health and Human Services, Energy, Veterans Affairs, the Environmental Protection Agency, Central Intelligence Agency, General Services Administration, Office of Management and Budget, Council of Economic Advisers, Domestic Policy Council, National Economic Council, and such other representatives as may be determined by the Chairman of the Council on Environmental Quality. The Task Force shall be chaired by the Chairman of the Council on Environmental Quality and housed at the Department of Energy for administrative purposes.

Sec. 4. *Judicial Review.* Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

THE WHITE HOUSE,
May 18, 2001.

[FR Doc. 01–13117
Filed 5–21–01; 10:19 am]
Billing code 3195–01–P

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Born Yesterday

Terrorists don't need visas when they can get a real U.S. birth certificate.

BY BARRY NEWMAN

I HIDE MY BIRTH CERTIFICATE AT THE back of a file drawer in my closet at home. A black-and-white photostat with a raised official seal, it was issued by the New York City Department of Health in May 1968, around the time I received my greetings from the Selective Service. If I needed a fresh copy today, it would be a job to get. The city's Health Department would want my father's name, my mother's maiden name, the name of the hospital I was born in, and my reason for wanting the copy. I'd have to show a photo ID. If any others wanted my certificate, they would not only have to show their IDs but one of mine as well, plus a letter from me authorizing the certificate's release, signed and notarized.

For once, bureaucratic obstructionism pleases me. We all learned in September what can happen when the wrong people get the right credentials. Yet we live in a country that has no citizenship registry and awards citizenship to anyone whose mother happened to be here on the day she gave birth. The American birth certificate proves American citizenship; it is the only proof most of us have. As such, it is a credential with the power to "breed" an American identity—up to and including an American passport.

Lucky for our national security, then, that the records clerks of New York would never issue a genuine, forgery-proof, certified copy of my birth certificate to just anybody. No, just anybody has to go to California for some of those.

I flew out to Los Angeles not long ago, and drove north to the government center of Ventura County, a concrete campus set in a big parking lot. In the recorder's office, members of the public were studying computer screens and microfiche readers. Behind the counter, a clerk rose to help me, an American flag glittering on her lapel. I said I wanted to buy a few birth certificates—no particular ones, for no particular reason. "It doesn't matter who you are," she said. "We don't ask people why they come in. If you have the name, we'll look it up."

I didn't have a name handy, so she brought out the microfiche index. Five plastic sleeves contained every birth recorded in Ventura County going back to 1873. I cruised the lists and lighted on three names: Dennis Alan Duck, Frank David Born and Joshua Ezra Ladin. I completed three order slips—leaving out birth dates, fathers' names and mothers' maiden names—and handed them to the clerk. In ten minutes, she appeared with the certificates. They had embossed seals, the heft and texture of bank notes and the complexity of Serabend carpets: steel-engraved intaglio borders with "Vital Record" printed in microline around their inner edges; pink-and-blue fields watermarked "Official Vital Record" and flecked with security thread. The order slips didn't ask for my phone number or address. I signed them with a false name. The certificates cost $12 each. I paid cash, zipped them into my shoulder bag and walked out.

In public-records parlance, California is an "open" state. It not only lets anybody buy a certified copy of anybody's birth certificate, but its law bars clerks from selling anything but certified copies. Maine, Massachusetts, Minnesota, Ohio, South Dakota, Vermont, Washington and Wisconsin also keep records open. Together, they have 2,375 offices that sell birth certificates for the asking. In Tennessee, Kentucky, and New Jersey, local offices won't sell to just anyone, but central offices will. In Iowa and North Carolina, central offices won't but local offices will.

Plenty of lowlifes know about this already. Now, well-

BARRY NEWMAN *is a* Wall Street Journal *reporter.*

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tutored terrorists probably know, too—and some federal law-enforcers are getting nervous. Since September, the government has been setting traps for terrorists who hold visas. Visas are harder than ever to get and offer no protection against detention and deportation. Higher-ups in Washington may not have noticed, but terrorists intent on slipping through the dragnet don't want visas anymore.

"With what happened on September 11, a lot of these folks in the terrorist world now are traveling around with false passports, birth certificates, drivers' licenses," George Hungate told me. He is head of watch operations for the Immigration and Naturalization Service at the inter-agency El Paso Intelligence Center. "In years past, it was illegal aliens looking for jobs. Then it went to criminals, then to fugitives, and here we are now with narcotics and terror."

An Algerian named Ahmed Ressam set a chilling precedent in December 1999 by posing as a Canadian. Driving into the United States on his way to bomb the Los Angeles Airport, he presented a Montreal birth certificate to prove Canadian citizenship. Ressam didn't make it to Los Angeles, but he did show that using a birth certificate to pose as someone else was a cinch up north. If would-be terrorists can pose as Canadians that way, why not simply pose as Americans?

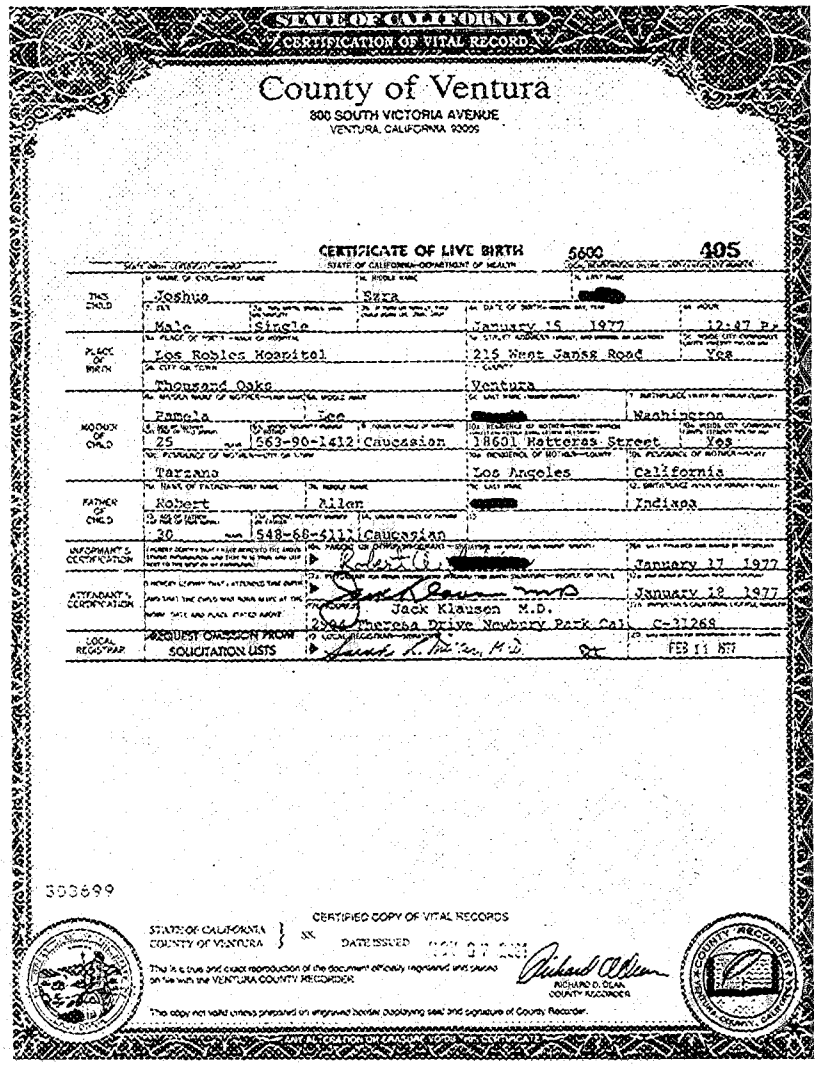
Hit-and-Stay Crimes

Bradley Washburn is one American who knows how easily that can happen. An engineering technician, Washburn lives in Greensboro, N.C. In 1995, he got a call from an agent of the Diplomatic Security Service, an arm of the State Department that investigates passport fraud. On Dec. 14, 1995, a U.S. Passport Agency officer in Miami came across an application filed at a Tampa post office by a Bradley Edward Washburn who had produced a birth certificate showing he was born on August 3, 1954 in Greensboro, N.C. But the man made a small omission: He hadn't supplied a Social Security number.

Suspicious, the officer handed the application to a security service agent who looked up Washburn in the Greensboro telephone book. There he was. On the phone, Washburn said he had never applied for a passport. The agent soon found that the applicant's Tampa apartment was rented to a Robert Finks, born Nov. 23, 1953. He knocked on the door and arrested him. His fingerprints matched those in FBI records of one Robin Ray Fink, born June 13, 1955 and wanted in Maryland for bank fraud.

"It's a weak document," the real Bradley Washburn said when I called to ask about his abused birth certificate. "Anybody who knows what I know realizes how easily it can be obtained."

Identity theft, an American growth crime, wasn't the crime committed against Washburn. Identity thieves steal information to get credit cards, use them, and disappear fast. What befell Washburn—far less common, but in the context of terror no less troubling—is called


STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

County of Ventura
800 SOUTH VICTORIA AVENUE
VENTURA, CALIFORNIA 93009

CERTIFICATE OF LIVE BIRTH 5600 405
STATE OF CALIFORNIA—DEPARTMENT OF HEALTH

THIS CHILD: Joshua Ezra [redacted]
Male Single January 15 1977 12:47 P.
PLACE OF BIRTH: Los Robles Hospital 215 West Janss Road Yes
Thousand Oaks Ventura
MOTHER OF CHILD: Pamela Jee [redacted] Washington
25 563-90-1412 Caucasian 18601 Hatteras Street Yes
Tarzana Los Angeles California
FATHER OF CHILD: Robert Allen [redacted] Indiana
30 548-68-5111 Caucasian
INFORMANT'S CERTIFICATION: [redacted] January 17 1977
ATTENDANT'S CERTIFICATION: Jack Klausen M.D. January 18 1977
2966 Theresa Drive Newbury Park Cal C-37268
LOCAL REGISTRAR: REQUEST OMISSION FROM SOLICITATION LISTS FEB 11 1977
303699
STATE OF CALIFORNIA COUNTY OF VENTURA } ss. CERTIFIED COPY OF VITAL RECORDS
DATE ISSUED
This is a true and exact reproduction of the document officially registered and placed on file with the VENTURA COUNTY RECORDER.
RICHARD D. OLEN COUNTY RECORDER
This copy not valid unless prepared on engraved border displaying seal and signature of County Recorder.

One of the original birth certificates obtained by the reporter.

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"impostor fraud." The crime isn't hit-and-run; it's hit-and-stay. The impostor's aim is to become another person, allowing traces of a life best concealed to dry up and blow away. No impostor would leave electronic footprints with a credit card. His essential tool, of minor value to identity thieves, is the birth certificate—a document able to spawn credentials that, in circular fashion, can corroborate the holder's identity.

"The birth certificate—that's the one that starts everything," a Diplomatic Security Service agent told me. "If you have that, that's it. That's all you need. You are that person."

Start with a birth certificate and a utility bill addressed to the name on it; agencies often ask for bills as proof of local residence. With those, you can enroll in school for a student ID, or take a job and get a photo ID from an employer. Getting a CostCo card and a library card wouldn't hurt. You can then use all your ID cards to verify that the birth certificate is yours. Along the way, you may be asked for a Social Security number. The government will issue a new or duplicate number to the name on the certificate. Failing that, you can make a number up. Social Security numbers aren't identity codes. Even the police find them hard to trace.

"We'd have to go to a public source," a U.S. law enforcement official said. "For us to get it out of the Social Security Administration is almost impossible without a subpoena—and that's for a law-enforcement organization. If you're in the driver's license business, it's next to impossible."

Which is a reason why drivers' licenses remain easy pickings for impostors—as they were for September's terrorists. But impostors in possession of a certified birth certificate can go farther, and even parlay a driver's license and a Social Security number into that most desirable of documents, the U.S. passport. The State Department issues seven million passports a year, yet its 4,500 clerks receive little schooling against fakery. Fraud taints up to 1 percent of applications, the department estimates: 70,000 a year. Agents investigate between 4,000 and 5,000, and only the frauds they uncover that lead to more serious crimes are ever prosecuted.

Since September 11, the service has dusted off thousands of unresolved cases, wondering if terrorists might be burrowing among them. At the root of every one, almost invariably, lies a dubious birth certificate. Dubious, not fake. Because 14,000 jurisdictions produce them with no national standard, forging birth certificates used to be easy. But as technology has made forgery harder, forgers have let production slide. Why bother to fake the real thing when the real thing itself grows on trees?

On the Mexican border, the INS is seizing 2,000 American birth certificates a month from people whose citizenship claims, its inspectors decide, are plainly false.

"Genuine U.S. birth certificates," Ida Briones said on the phone from Texas. "They're not counterfeits anymore." Ms. Briones is an INS officer at the El Paso Intelligence Center.

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

County of Ventura
800 SOUTH VICTORIA AVENUE
VENTURA, CALIFORNIA 93009

CERTIFICATE OF LIVE BIRTH 5600 3839
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH

950

CHILD: Davis Frank [redacted]
Male Single August 26 1960 5:40 P.M.

PLACE OF BIRTH: Community Memorial Hospital 2800 Loma Vista Road Yes
Ventura Ventura

MOTHER OF CHILD: Barbara [redacted] Massachusetts
42 White 1326 Wheaton Court Yes
Ventura Ventura California

FATHER OF CHILD: John Frank [redacted] Ohio
45 White Student Analyst Protestant Christian

INFORMANT'S CERTIFICATION: [redacted] 8-31-65

ATTENDANT'S CERTIFICATION: [redacted] 9-1-65

LOCAL REGISTRAR: 115 N. Brent Street C-23050
Helen A. Cox M.D. SEP 1 5 1965

303700

STATE OF CALIFORNIA
COUNTY OF VENTURA
CERTIFIED COPY OF VITAL RECORDS
DATE ISSUED NOV 07 2001
This is a true and exact reproduction of the document officially registered and placed on file with the VENTURA COUNTY RECORDER.
RICHARD D. DEAN
COUNTY RECORDER
This copy not valid unless prepared on official border showing seal and signature of County Recorder.

One of the original birth certificates obtained by the reporter.

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All but 10 percent of the fraud she tracks is now grounded on real documents. The State Department calculates a similar rate for birth certificates used in passport fraud. "We have vendors making $50 to $10,000 on every certificate they sell," said Briones. George Hungate, her boss, said, "They're valid, legitimately issued. What more powerful document can you have to substantiate your claim to be a United States citizen?" Briones added: "California's an open state. You can get as many as you want. How do you like that?"

On the border with Mexico, the INS is seizing 2,000 American birth certificates a month from people whose citizenship claims, its inspectors decide, are plainly false.

Impostors in our Midst

John William Dickey liked it fine—and, unlike Bradley Washburn's impostor, chose his victim wisely. Born in Illinois in 1938, Dickey moved to California and began a career as a pedophile. On Jan. 11, 1985, he was released from state prison in Vacaville. Four days later, police in Mesa, Arizona, arrested him for burglary. Dickey gave his name as Daniel Ray Erickson, and showed a California birth certificate to prove it. It said Erickson was born in Riverside, California on Jan. 20, 1949. So he was. What the police didn't know was that Erickson had died on Sept. 13, 1962, at age 12.

How Dickey picked Erickson isn't known, but he did know the ropes. A Seattle immigration lawyer, Robert Gibbs, explained it:

"Say you got the birth certificate of somebody who died in the first few years of life. They wouldn't have a Social Security account or work history—no real paper record. There's not going to be somebody else with a driver's license and that date of birth. There won't be any conflicts in the database world. For people who are serious and want the most bulletproof kind of phony identity and didn't have the CIA to get it for them, this is the kind of thing that they would do."

Back in action after serving time as Erickson on the burglary charge, Dickey used Erickson's birth certificate in 1986 to obtain a California ID. He soon turned up in Florida, where he got Erickson a Social Security number. Secure in his identity, Dickey joined a parents-without-partners group and sexually assaulted a 10-year-old girl at a beach party. The Pompano Beach police arrested him on Sept. 26, 1986—as Erickson.

He did seven years. On Nov. 5, 1993, he walked into the Monroe County courthouse and applied for a passport in Erickson's name. He would have gotten it, too, but for one goof: Earlier that day, he had gotten Erickson a Florida driver's license. An officer at the Miami passport office noticed, took a closer look at Erickson's Social Security number and saw that it had been issued when he was 44 years old. She called the Diplomatic Security Service. A fingerprint check came up with Dickey's California arrest record. He did three more years for passport fraud—this time as John William Dickey.

If a principle of political philosophy justifies California's selling a dead boy's birth certificate to a pedophile, nobody seems to know what it is. Some blame the real-estate industry, the news media, and genealogical researchers, all of which need to explore public records. Speaking for the genealogists, Iris Carter Jones, who lives in Sacramento and lobbies for the California State Genealogical Alliance, said: "No closed record is a good record. That's what you hear at many of our gatherings. Why close records and punish many people when only a small percentage misuse them?"

I wondered, though, why family historians would require certified copies of any records, especially birth records.

"No, no, that's another issue," Jones said. "For research you just get a copy of it. We don't need certified copies. This really came to mind since September 11. I think California needs to do something, but I'm not going to be the one to suggest it."

In the mid-1990s, Grace Napolitano did suggest it. As a member of the California State Assembly (she has since become a Democratic Congresswoman) Napolitano introduced a bill to bar sales of certified records to people with no reason to have them. "I obtained birth certificates of the people on my committee who voted against the bill," says Napolitano. "They were flabbergasted." But the bill died anyway. "California has a long history of openness about it," Napolitano reflects. "That's what's so attractive about the state."

California seems to have confused the good sense of keeping public records accessible to the public with the nonsense of distributing official versions of public records to the public at large. It and 13 other states persist in providing a delivery service for impostors the way

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ɪmeowners keep hiding their keys under the doormat :er the crime rate has shot up. But even the majority states that have put limits on public access may have rgotten that the chief function of vital records is actu- ial not evidential. Certified copies are inherently fee- e as identification papers, but as long as they are 'essed in fancy paper and elaborate seals, clever crim- als and careless (or crooked) clerks will have a strong centive to keep the masquerade alive.

Colorado, for instance, keeps all comers away from :rtified records, except for people named on the :cord, their siblings, and those who prove a "direct ɪd tangible interest." I once had a tangible interest in woman born in Colorado Springs. A while ago, I sent vay for her birth certificate, claiming to be her broth- :. In short order, I got a call from a Colorado vital- :cords supervisor who scolded me for breaking the w. I couldn't be the woman's brother, she pointed out; ur parents had different last names. She then admit- :d that a clerk had mailed out my ex-wife's certificate ɪyway. A few days later, it was mine.

Last November, a man applied for a passport in 'hiladelphia using a birth certificate issued by Hudson County, New Jersey. Reports didn't say what gave him way, but after his arrest, the man turned out to have two ames. Under one, he was a Pakistani with a drug arrest; nder the other, a Jersey-born citizen. The citizen's birth ertificate wasn't on file in Trenton, New Jersey's open- ecord capital. It was on file, I was told, in closed-record Hudson County. Both names, moreover, were listed at single address in Jersey City. How to explain this puz- ling double identity?

"Money," said the INS's Ida Briones. "If the paper s genuine and had a serial number, one possibility is that phony birth was registered." The certificate may have been real, in other words, but the "citizen" had never 'eally existed—he was only a "paper baby."

Then there is the scarily simple case of Edward ack Finney, born on Dec. 8, 1972 in New York. Finney lied on July 22, 1999, but a year later, applied for a pass- port in Miami with a genuine New York birth certifi- :ate. An alert clerk found Finney in the Social Securi- :y Death Index, a databank listing every departed beneficiary. When the man showed up at the passport office again, he was collared. He turned out to be Deith Bridgeman, an immigrant from Grenada; a search of his belongings yielded two handguns and $18,000. At the moment, he is awaiting trial for two bank robberies in Queens. How did he come to possess a dead man's gen- uine New York birth certificate? Bridgeman's lawyer, Michael Hampden, told me: "It was given to him by the deceased person's wife."

The less useful fake documents become, the more appealing it is for criminals to borrow, steal, or gener- ate real ones. Someone like Bridgeman might be sur- prised to learn that California sells birth certificates over the counter. Then again, a New York junkie elim- inates the middleman—or middle state—by getting a copy of his own birth certificate and peddling it on the street. "Plenty of people out there," said an investigator, "are willing to sell their identities."

Born in the U.S.A.

Impostors who make mistakes obviously do get caught. But many impostors surely don't slip up; they slip through. Closing records will take government out of the trade, but at this point will not stop the business entirely. Those who understand this game say it's the birth certificate itself that needs a new identity. The U.S. Department of Health and Human Services report- ed to Congress in September 2000 that its use as both a statistical public-health device and as the basic proof of citizenship has created "fundamental and irreconcil- able conflicts."

"The birth certificate is an unreliable identifier," said an official who helped write the report. Its origi- nal purpose was merely to keep a head count for med- ical statisticians. "If you want it to be a source of iden- tification, you destroy it from a public-health perspective. The congressional study was driven by the notion that improvements were possible, that the birth certificate could be a universal identifier. We were told to look for ways to strengthen it. But it dawned on us that maybe we have the whole wrong approach here. That, actually, there may be no way to fix this."

In a country that doesn't have or especially want an identity card, all forms of identification are imperfect by definition. As the ID debate goes on, that fact won't go away: As Americans, we just don't know who's who. We can't know if terrorists doze among us as pretend citi- zens-by-birth. We know of only one who knocked on our door: Ahmed Ressam, the millennium bomber arrested en route from Canada to Los Angeles. Quebec has since stopped accepting records like his as proof of citizenship. But the United States, which linked Ressam to Al Qaeda and sentenced him to prison for 130 years, has done nothing to puncture the American birth cer- tificate's dangerously inflated status. At the least, every jurisdiction should make it as tough to get any citizen's certificate as New York City makes it to get mine. But with so many threats upon us, I guess the idea of a ter- rorist posing as an American must seem as remote as, say, the idea of a guy on an airplane trying to blow up his sneakers.

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The Rise of the Creative Class

Why cities without gays and rock bands are losing the economic development race.

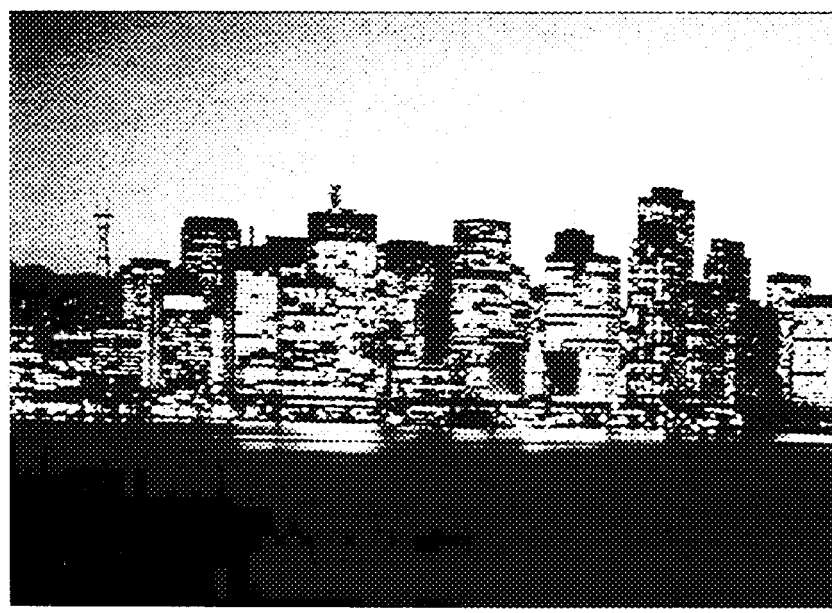
BY RICHARD FLORIDA

AS I WALKED ACROSS THE CAMPUS OF Pittsburgh's Carnegie Mellon University one delightful spring day, I came upon a table filled with young people chatting and enjoying the spectacular weather. Several had identical blue T-shirts with "Trilogy@CMU" written across them—Trilogy being an Austin, Texas-based software company with a reputation for recruiting our top students. I walked over to the table. "Are you guys here to recruit?" I asked. "No, absolutely not," they replied adamantly. "We're not recruiters. We're just hangin' out, playing a little Frisbee with our friends." How interesting, I thought. They've come to campus on a workday, all the way from Austin, just to hang out with some new friends.

I noticed one member of the group sitting slouched over on the grass, dressed in a tank top. This young man had spiked multi-colored hair, full-body tattoos, and multiple piercings in his ears. An obvious slacker, I thought, probably in a band. "So what is your story?" I asked. "Hey man, I just signed on with these guys." In fact, as I would later learn, he was a gifted student who had inked the highest-paying deal of any graduating student in the history of his department, right at that table on the grass, with the recruiters who do not "recruit."

What a change from my own college days, just a

RICHARD FLORIDA *is a professor of regional economic development at Carnegie Mellon University and a columnist for* Information Week. *This article was adapted from his forthcoming book,* The Rise of the Creative Class: and How It's Transforming Work, Leisure, Community and Everyday Life *(Basic Books).*



San Francisco boasts the highest "Creativity Index" ranking of any U.S. city.

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little more than 20 years ago, when students would put on their dressiest clothes and carefully hide any counterculture tendencies to prove that they could fit in with the company. Today, apparently, it's the company trying to fit in with the students. In fact, Trilogy had wined and dined him over margarita parties in Pittsburgh and flown him to Austin for private parties in hip nightspots and aboard company boats. When I called the people who had recruited him to ask why, they answered, "That's easy. We wanted him because he's a rock star."

While I was interested in the change in corporate recruiting strategy, something even bigger struck me. Here was another example of a talented young person leaving Pittsburgh. Clearly, my adopted hometown has a huge number of assets. Carnegie Mellon is one of the world's leading centers for research in information technology. The University of Pittsburgh, right down the street from our campus, has a world-class medical center. Pittsburgh attracts hundreds of millions of dollars per year in university research funding and is the sixth-largest center for college and university students on a per capita basis in the country. Moreover, this is hardly a cultural backwater. The city is home to three major sports franchises, renowned museums and cultural venues, a spectacular network of urban parks, fantastic industrial-age architecture, and great urban neighborhoods with an abundance of charming yet affordable housing. It is a friendly city, defined by strong communities and a strong sense of pride. In the 1986 Rand McNally survey, Pittsburgh was ranked "America's Most Livable City," and has continued to score high on such lists ever since.

Yet Pittsburgh's economy continues to putter along in a middling flat-line pattern. Both the core city and the surrounding metropolitan area lost population in the 2000 census. And those bright young university people keep leaving. Most of Carnegie Mellon's prominent alumni of recent years—like Vinod Khosla, perhaps the best known of Silicon Valley's venture capitalists, and Rick Rashid, head of research and development at Microsoft—went elsewhere to make their marks. Pitt's vaunted medical center, where Jonas Salk created his polio vaccine and the world's premier organ-transplant program was started, has inspired only a handful of entrepreneurs to build biotech companies in Pittsburgh.

Over the years, I have seen the community try just about everything possible to remake itself so as to attract and retain talented young people, and I was personally involved in many of these efforts. Pittsburgh has launched a multitude of programs to diversify the region's economy away from heavy industry into high technology. It has rebuilt its downtown virtually from scratch, invested in a new airport, and developed a massive new sports complex for the Pirates and the Steelers. But nothing, it seemed, could stem the tide of people and new companies leaving the region.

I asked the young man with the spiked hair why he was going to a smaller city in the middle of Texas, a place with a small airport and no professional sports teams, without a major symphony, ballet, opera, or art museum comparable to Pittsburgh's. The company is excellent, he told me. There are also terrific people and the work is challenging. But the clincher, he said, is that, "It's in Austin!" There

The Creativity Index

The key to economic growth lies not just in the ability to attract the creative class, but to translate that underlying advantage into creative economic outcomes in the form of new ideas, new high-tech businesses and regional growth. To better gauge these capabilities, I developed a new measure called the Creativity Index (column 1). The Creativity Index is a mix of four equally weighted factors: the creative class share of the workforce (column 2 shows the percentage; column 3 ranks cities accordingly); high-tech industry, using the Milken Institute's widely accepted Tech Pole Index, which I refer to as the High-Tech Index (column 4); innovation, measured as patents per capita (column 5); and diversity, measured by the Gay Index, a reasonable proxy for an area's openness to different kinds of people and ideas (column 6). This composite indicator is a better measure of a region's underlying creative capabilities than the simple measure of the creative class, because it reflects the joint effects of its concentration and of innovative economic outcomes. The Creativity Index is thus my baseline indicator of a region's overall standing in the creative economy and I offer it as a barometer of a region's longer run economic potential. The following tables present my creativity index ranking for the top 10 and bottom 10 metropolitan areas, grouped into three size categories (large, medium-sized and small cities/regions). For a full listing of all U.S. metropolitan areas, visit www.washingtonmonthly.com.

—*Richard Florida*

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are lots of young people, he went on to explain, and a tremendous amount to do: a thriving music scene, ethnic and cultural diversity, fabulous outdoor recreation, and great nightlife. Though he had several good job offers from Pittsburgh high-tech firms and knew the city well, he said he felt the city lacked the lifestyle options, cultural diversity, and tolerant attitude that would make it attractive to him. As he summed it up: "How would I fit in here?"

This young man and his lifestyle proclivities represent a profound new force in the economy and life of America. He is a member of what I call the creative class: a fast-growing, highly educated, and well-paid segment of the workforce on whose efforts corporate profits and economic growth increasingly depend. Members of the creative class do a wide variety of work in a wide variety of industries—from technology to entertainment, journalism to finance, high-end manufacturing to the arts. They do not consciously think of themselves as a class. Yet they share a common ethos that values creativity, individuality, difference, and merit.

More and more businesses understand that ethos and are making the adaptations necessary to attract and retain creative class employees—everything from relaxed dress codes, flexible schedules, and new work rules in the office to hiring recruiters who throw Frisbees. Most civic leaders, however, have failed to understand that what is true for corporations is also true for cities and regions: Places that succeed in attracting and retaining creative class people prosper; those that fail don't.

Stuck in old paradigms of economic development, cities like Buffalo, New Orleans, and Louisville struggled in the 1980s and 1990s to become the next "Silicon Somewhere" by building generic high-tech

Large Cities Creativity Rankings

Rankings of 49 metro areas reporting populations over 1 million in the 2000 Census

The Top Ten Cities	Creativity Index	% Creative Workers	Creative Rank	High-Tech Rank	Innovation Rank	Diversity Rank
1. San Francisco	1057	34.8%	5	1	2	1
2. Austin	1028	36.4%	4	11	3	16
3. San Diego	1015	32.1%	15	12	7	3
3. Boston	1015	38.0%	3	2	6	22
5. Seattle	1008	32.7%	9	3	12	8
6. Raleigh—Durham—Chapel Hill	996	38.2%	2	14	4	28
7.Houston	980	32.5%	10	16	16	10
8. Washington—Baltimore	964	38.4%	1	5	30	12
9. New York	962	32.3%	12	13	24	14
10. Dallas	960	30.2%	23	6	17	9
10. Minneapolis	960	33.9%	7	21	5	29

The Bottom Ten Cities	Creativity Index	% Creative Workers	Creative Rank	High-Tech Rank	Innovation Rank	Diversity Rank
49. Memphis	530	24.8%	47	48	42	41
48. Norfolk—Virginia Beach, VA	555	28.4%	36	35	49	47
47. Las Vegas	561	18.5%	49	42	47	5
46. Buffalo	609	28.9%	33	40	27	49
45. Louisville	622	26.5%	46	46	39	36
44. Grand Rapids, MI	639	24.3%	48	43	23	38
43. Oklahoma City	668	29.4%	29	41	43	39
42. New Orleans	668	27.5%	42	45	48	13
41. Greensboro—Winston-Salem	697	27.3%	44	33	35	35
40. Providence, RI	698	27.6%	41	44	34	33

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office parks or subsidizing professional sports teams. Yet they lost members of the creative class, and their economic dynamism, to places like Austin, Boston, Washington, D.C. and Seattle—places more tolerant, diverse, and open to creativity. Because of this migration of the creative class, a new social and economic geography is emerging in America, one that does not correspond to old categories like East Coast versus West Coast or Sunbelt versus Frostbelt.

The plug-and-play community is one that somebody can move into and put together a life—or at least a facsimile of a life—in a week.

Rather, it is more like the class divisions that have increasingly separated Americans by income and neighborhood, extended into the realm of city and region.

The Creative Secretary

The distinguishing characteristic of the creative class is that its members engage in work whose function is to "create meaningful new forms." The super-creative core of this new class includes scientists and engineers, university professors, poets and novelists, artists, entertainers, actors, designers, and architects, as well as the "thought leadership" of modern society: nonfiction writers, editors, cultural figures, think-tank researchers, analysts, and other opinion-makers. Members of this super-creative core produce new forms or designs that are readily transferable and broadly useful—such as designing a product that can be widely made, sold and used; coming up with a theorem or strategy that can be applied in many cases; or composing music that can be performed again and again.

Beyond this core group, the creative class also includes "creative professionals" who work in a wide range of knowledge-intensive industries such as high-tech sectors, financial services, the legal and healthcare professions, and business management. These people engage in creative problem-solving, drawing on complex bodies of knowledge to solve specific problems. Doing so typically requires a high degree of formal education and thus a high level of human capital. People who do this kind of work may sometimes come up with methods or products that turn out to be widely useful, but it's not part of the basic job description. What they are required to do regularly is think on their own. They apply or combine standard approaches in unique ways to fit the situation, exercise a great deal of judgment, perhaps try something radically new from time to time.

Much the same is true of the growing number of technicians and others who apply complex bodies of knowledge to working with physical materials. In fields such as medicine and scientific research, technicians are taking on increased responsibility to interpret their work and make decisions, blurring the old distinction between white-collar work (done by decisionmakers) and blue-collar work (done by those who follow orders). They acquire their own arcane bodies of knowledge and develop their own unique ways of doing the job. Another example is the secretary in today's pared-down offices. In many cases this person not only takes on a host of tasks once performed by a large secretarial staff, but becomes a true office manager—channeling flows of information, devising and setting up new systems, often making key decisions on the fly. These people contribute more than intelligence or computer skills. They add creative value. Everywhere we look, creativity is increasingly valued. Firms and organizations value it for the results that it can produce and individuals value it as a route to self-expression and job satisfaction. Bottom line: As creativity becomes more valued, the creative class grows.

The creative class now includes some 38.3 million Americans, roughly 30 percent of the entire U.S. workforce—up from just 10 percent at the turn of the 20th century and less than 20 percent as recently as 1980. The creative class has considerable economic power. In 1999, the average salary for a member of the creative class was nearly $50,000 ($48,752), compared to roughly $28,000 for a working-class member and $22,000 for a service-class worker.

Not surprisingly, regions that have large numbers of creative class members are also some of the most affluent and growing.

The New Geography of Class

Different classes of people have long sorted themselves into neighborhoods within a city or

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region. But now we find a large-scale re-sorting of people among cities and regions nationwide, with some regions becoming centers of the creative class while others are composed of larger shares of working-class or service-class people. To some extent this has always been true. For instance, there have always been artistic and cultural communities like Greenwich Village, college towns like Madison and Boulder, and manufacturing centers like Pittsburgh and Detroit. The news is that such sorting is becoming even more widespread and pronounced.

In the leading centers of this new class geography, the creative class makes up more than 35 percent of the workforce (see chart page 17). This is already the case in the greater Washington, D.C. region, the Raleigh-Durham area, Boston, and Austin—all areas undergoing tremendous economic growth. Despite their considerable advantages, large regions have not cornered the market as creative class locations. In fact, a number of smaller regions have some of the highest creative-class concentrations in the nation—notably college towns like East Lansing, Mich. and Madison, Wisc. (See chart page 21).

At the other end of the spectrum are regions that are being bypassed by the creative class. Among large regions, Las Vegas, Grand Rapids and Memphis harbor the smallest concentrations of the creative class. Members of this class have nearly abandoned a wide range of smaller regions in the outskirts of the South and Midwest. In small metropolitan areas like Victoria, Texas and Jackson, Tenn., the creative class comprises less than 15 percent of the workforce. The leading centers for the working class among large regions are Greensboro,

Medium-Size Cities Creativity Rankings

Rankings of 32 metro areas reporting populations 500,000 to 1 million in the 2000 Census

The Top Ten Cities	Creativity Index	% Creative Workers	Creative Rank	High-Tech Rank	Innovation Rank	Diversity Rank
1. Albuquerque, NM	965	32.2%	2	1	7	1
2. Albany, NY	932	33.7%	1	12	2	4
3. Tuscon, AZ	853	28.4%	17	2	6	5
4. Allentown—Bethlehem, PA	801	28.7%	16	13	3	14
5. Dayton, OH	766	30.1%	8	8	5	24
6. Colorado Springs, CO	756	29.9%	10	5	1	30
7. Harrisburg, PA	751	29.8%	11	6	13	20
8. Little Rock, AR	740	30.8%	4	10	21	11
9. Birmingham, AL	722	30.7%	6	7	26	10
10. Tulsa, OK	721	28.7%	15	9	15	18

The Bottom Ten Cities	Creativity Index	% Creative Workers	Creative Rank	High-Tech Rank	Innovation Rank	Diversity Rank
32. Youngstown, OH	253	23.8%	32	32	24	32
31. Scranton–Wilkes-Barre, PA	400	24.7%	28	23	23	31
30. McAllen, TX	451	27.8%	18	31	32	9
29. Stockton—Lodi, CA	459	24.1%	30	29	28	7
28. El Paso, TX	464	27.0%	23	27	31	17
27. Fresno, CA	516	25.1%	27	24	30	2
26. Bakersfield, CA	531	27.8%	18	22	27	19
25. Fort Wayne, IN	569	25.4%	26	17	8	26
24. Springfield, MA	577	29.7%	13	30	20	22
23. Honolulu, HI	580	27.2%	21	14	29	6

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N.C. and Memphis, Tenn., where the working class makes up more than 30 percent of the workforce. Several smaller regions in the South and Midwest are veritable working class enclaves with 40 to 50 percent or more of their workforce in the traditional industrial occupations.

These places have some of the most minuscule concentrations of the creative class in the nation. They are symptomatic of a general lack of overlap between the major creative-class centers and those of the working class. Of the 26 large cities where the working class comprises more than one-quarter of the population, only one, Houston, ranks among the top 10 destinations for the creative class.

Chicago, a bastion of working-class people that still ranks among the top 20 large creative centers, is interesting because it shows how the creative class and the traditional working class can coexist. But Chicago has an advantage in that it is a big city, with more than a million members of the creative class. The University of Chicago sociologist Terry Clark likes to say Chicago developed an innovative political and cultural solution to this issue. Under the second Mayor Daley, the city integrated the members of the creative class into the city's culture and politics by treating them essentially as just another "ethnic group" that needed sufficient space to express its identity.

Las Vegas has the highest concentration of the service class among large cities, 58 percent, while West Palm Beach, Orlando, and Miami also have around half. These regions rank near the bottom of the list for the creative class. The service class makes up more than half the workforce in nearly 50 small and medium-size regions across the country. Few of them boast any significant concentrations of the creative class, save vacationers, and offer little prospect for upward mobility. They include resort towns like Honolulu and Cape Cod. But they also include places like Shreveport, La. and Pittsfield, Mass. For these places that are not tourist destinations, the economic and social future is troubling to contemplate.

Plug-and-Play Communities

Why do some places become destinations for the creative while others don't? Economists speak of the importance of industries having "low entry barriers," so that new firms can easily enter and keep the industry vital. Similarly, I think it's important for a place to have low entry barriers for people—that is, to be a place where newcomers are accepted quickly into all sorts of social and economic arrangements. All else being equal, they are likely to attract greater numbers of talented and creative people—the sort of people who power innovation and growth. Places that thrive in today's world tend to be plug-and-play communities where anyone can fit in quickly. These are places where people can find opportunity, build support structures, be themselves, and not get stuck in any one identity. The plug-and-play community is one that somebody can move into and put together a life—or at least a facsimile of a life—in a week.

Creative centers also tend to be places with thick labor markets that can fulfill the employment needs of members of the creative class, who, by and large, are not looking just for "a job" but for places that offer many employment opportunities.

Cities and regions that attract lots of creative talent are also those with greater diversity and higher levels of quality of place. That's because location choices of the creative class are based to a large degree on their lifestyle interests, and these go well beyond the standard "quality-of-life" amenities that most experts think are important.

For instance, in 1998, I met Gary Gates, then a doctoral student at Carnegie Mellon. While I had been studying the location choices of high-tech industries and talented people, Gates had been exploring the location patterns of gay people. My list of the country's high-tech hot spots looked an awful lot like his list of the places with highest concentrations of gay people. When we compared these two lists with more statistical rigor, his Gay Index turned out to correlate very strongly to my own measures of high-tech growth. Other measures I came up with, like the Bohemian Index—a measure of artists, writers, and performers—produced similar results.

Talented people seek an environment open to differences. Many highly creative people, regardless of ethnic background or sexual orientation, grew up feeling like outsiders, different in some way from most of their schoolmates. When they are sizing up a new company and community, acceptance of diversity and of gays in particular is a sign that reads "non-standard people welcome here."

The creative class people I study use the word "diversity" a lot, but not to press any political hot buttons. Diversity is simply something they value in all its manifestations. This is spoken of so often, and so matter-of-factly, that I take it to be a fundamental marker of creative class values. Creative-

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minded people enjoy a mix of influences. They want to hear different kinds of music and try different kinds of food. They want to meet and socialize with people unlike themselves, trade views and spar over issues.

As with employers, visible diversity serves as a signal that a community embraces the open meritocratic values of the creative age. The people I talked to also desired nightlife with a wide mix of options. The most highly valued options were experiential ones—interesting music venues, neighborhood art galleries, performance spaces, and theaters. A vibrant, varied nightlife was viewed by many as another signal that a city "gets it," even by those who infrequently partake in nightlife. More than anything, the creative class craves real experiences in the real world.

They favor active, participatory recreation over passive, institutionalized forms. They prefer indigenous street-level culture—a teeming blend of cafes, sidewalk musicians, and small galleries and bistros, where it is hard to draw the line between performers and spectators. They crave stimulation, not escape. They want to pack their time full of dense, high-quality, multidimensional experiences. Seldom has one of my subjects expressed a desire to get away from it all. They want to get into it all, and do it with eyes wide open.

Creative class people value active outdoor recreation very highly. They are drawn to places and communities where many outdoor activities are prevalent—both because they enjoy these activities and because their presence is seen as a signal that the place is amenable to the broader creative lifestyle. The creative-class people in my studies are into a variety of active sports, from traditional ones like

Small-Size Cities Creativity Rankings

Rankings of 63 metro areas reporting populations 250,000 to 500,000 in the 2000 Census

The Top Ten Cities	Creativity Index	% Creative Workers	Creative Rank	High-Tech Rank	Innovation Rank	Diversity Rank
1. Madison, WI	925	32.8%	6	16	4	9
2. Des Moines, IA	862	32.1%	8	2	16	20
3. Santa Barbara, CA	856	28.3%	19	8	8	7
4. Melbourne, FL	855	35.5%	1	6	9	32
5. Boise City, ID	854	35.2%	3	1	1	46
6. Huntsville, AL	799	35.3%	2	5	18	40
7. Lansing—East Lansing, MI	739	34.3%	4	27	29	18
8. Binghamton, NY	731	30.8%	12	7	3	60
9. Lexington, KY	717	27.0%	28	24	10	12
10. New London,CT—Norwich,RI	715	28.1%	23	11	13	33

The Bottom Ten Cities	Creativity Index	% Creative Workers	Creative Rank	High-Tech Rank	Innovation Rank	Diversity Rank
63. Shreveport, LA	233	22.1%	55	32	59	57
62. Ocala, FL	263	16.4%	63	61	52	24
61. Visalia, CA	289	22.9%	52	63	60	11
60. Killeen, TX	302	24.6%	47	47	51	53
59. Fayetteville, NC	309	29.0%	16	62	62	49
58. York, PA	360	22.3%	54	54	26	52
57. Fayetteville, AR	366	21.1%	57	57	42	17
56. Beaumont, TX	372	27.8%	25	37	56	55
55. Lakeland—Winter Haven, FL	385	20.9%	59	56	53	5
54. Hickory, NC	393	19.4%	61	48	32	30

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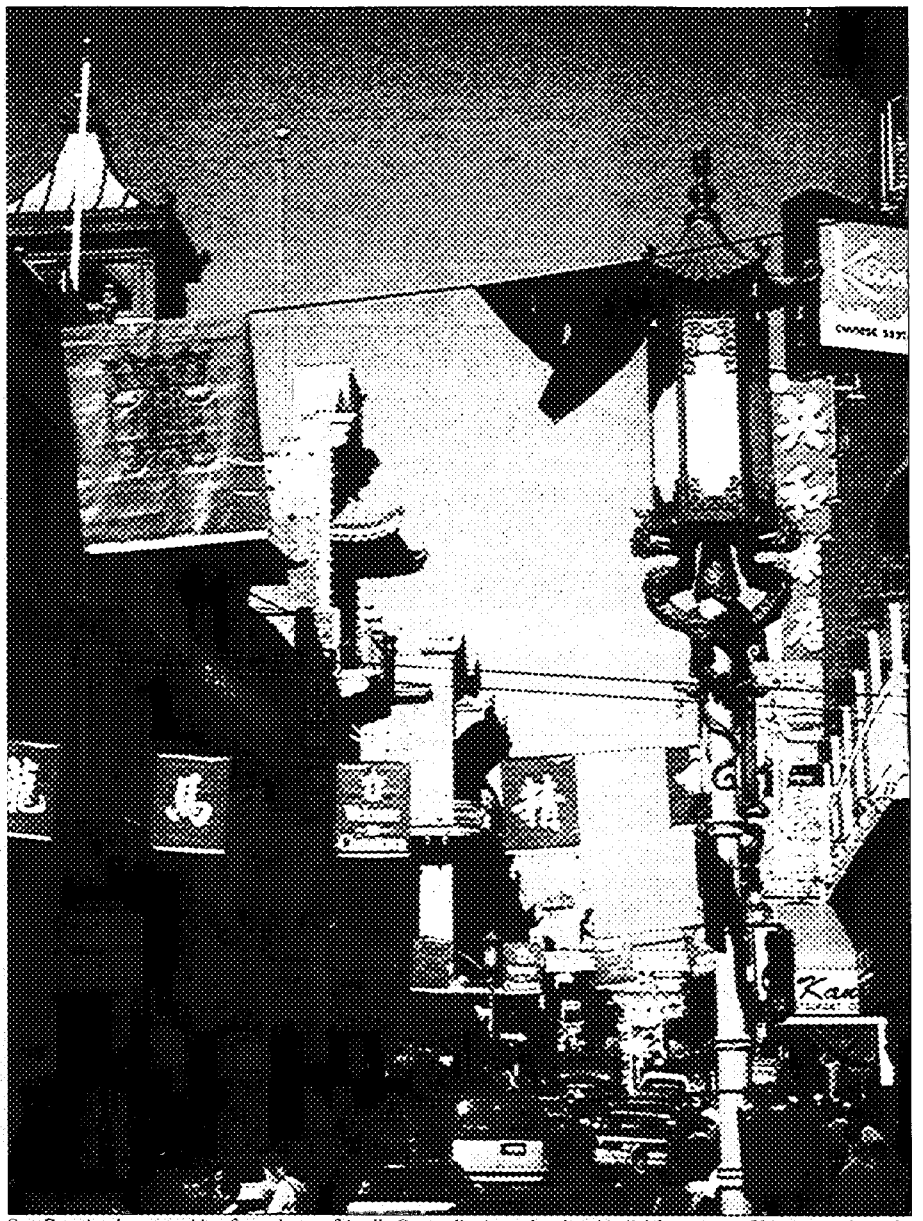
bicycling, jogging, and kayaking to newer, more extreme ones, like trail running and snowboarding.

Places are also valued for authenticity and uniqueness. Authenticity comes from several aspects of a community—historic buildings, established neighborhoods, a unique music scene, or specific cultural attributes. It comes from the mix—from urban grit alongside renovated buildings, from the commingling of young and old, long-time neighborhood characters and yuppies, fashion models and "bag ladies." An authentic place also offers unique and original experiences. Thus a place full of chain stores, chain restaurants, and nightclubs is not authentic. You could have the same experience anywhere.

Today, it seems, leading creative centers provide a solid mix of high-tech industry, plentiful outdoor amenities, and an older urban center whose rebirth has been fueled in part by a combination of creativity and innovative technology, as well as lifestyle amenities. These include places like the greater Boston area, which has the Route 128 suburban complex, Harvard and MIT, and several charming inner-city Boston neighborhoods. Seattle has suburban Bellevue and Redmond (where Microsoft is located), beautiful mountains and country, and a series of revitalized urban neighborhoods. The San Francisco Bay area has everything from posh inner-city neighborhoods to ultra-hip districts like SoMa (South of Market) and lifestyle enclaves like Marin County as well as the Silicon Valley. Even Austin includes traditional high-tech developments to the north, lifestyle centers for cycling and outdoor activities, and a revitalizing university/ downtown community centered on vibrant Sixth Street, the warehouse district and the music scene—a critical element of a thriving creative center.



San Francisco has everything from the gay-friendly Castro district to the ultra-hip SoMa region to Chinatown (shown here).

Institutional Sclerosis

Even as places like Austin and Seattle are thriving, much of the country is failing to adapt to the demands of the creative age. It is not that struggling cities like Pittsburgh do not want to grow or encourage high-tech industries. In most

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cases, their leaders are doing everything they think they can to spur innovation and high-tech growth. But most of the time, they are either unwilling or unable to do the things required to create an environment or habitat attractive to the creative class. They pay lip service to the need to "attract talent," but continue to pour resources into recruiting call centers, underwriting big-box retailers, subsidizing downtown malls, and squandering precious taxpayer dollars on extravagant stadium complexes. Or they try to create facsimiles of neighborhoods or retail districts, replacing the old and authentic with the new and generic—and in doing so drive the creative class away.

It is a telling commentary on our age that at a time when political will seems difficult to muster for virtually anything, city after city can generate the political capital to underwrite hundreds of millions of dollars of investments in professional sports stadiums. And you know what? They don't matter to the creative class. Not once during any of my focus groups and interviews did the members of the creative class mention professional sports as playing a role of any sort in their choice of where to live and work. What makes most cities unable to even imagine devoting those kinds of resources or political will to do the things that people say really matter to them?

The answer is simple. These cities are trapped by their past. Despite the lip service they might pay, they are unwilling or unable to do what it takes to attract the creative class. The late economist Mancur Olson long ago noted that the decline of nations and regions is a product of an organizational and cultural hardening of the arteries he called "institutional sclerosis." Places that grow up and prosper in one era, Olson argued, find it difficult and often times impossible to adopt new organizational and cultural patterns, regardless of how beneficial they might be. Consequently, innovation and growth shift to new places, which can adapt to and harness these shifts for their benefit. This phenomenon, he contends, is how England got trapped and how the U.S. became the world's great economic power. It also accounts for the shift in economic activity from the old industrial cities to newer cities in the South and West, according to Olson.

Olson's analysis presciently identifies why so many cities across the nation remain trapped in the culture and attitudes of the bygone organizational age, unable or unwilling to adapt to current trends. Cities like Detroit, Cleveland, and my current hometown of Pittsburgh were at the forefront of the organizational age. The cultural and attitudinal norms of that age became so powerfully ingrained in these places that they did not allow the new norms and attitudes associated with the creative age to grow up, diffuse and become generally accepted. This process, in turn, stamped out much of the creative impulse, causing talented and creative people to seek out new places where they could more readily plug in and make a go of it.

The list of the country's high-tech hot spots looks an awful lot like the list of the places with highest concentrations of gay people.

Most experts and scholars have not even begun to think in terms of a creative community. Instead, they tend to try to emulate the Silicon Valley model which author Joel Kotkin has dubbed the "nerdistan." But the nerdistan is a limited economic development model, which misunderstands the role played by creativity in generating innovation and economic growth. Nerdistans are bland, uninteresting places with acre upon acre of identical office complexes, row after row of asphalt parking lots, freeways clogged with cars, cookie-cutter housing developments, and strip-malls sprawling in every direction. Many of these places have fallen victim to the very kinds of problems they were supposed to avoid. The comfort and security of places like Silicon Valley have gradually given way to sprawl, pollution, and paralyzing traffic jams. As one technology executive told *The Wall Street Journal*, "I really didn't want to live in San Jose. Every time I went up there, the concrete jungle got me down." His company eventually settled on a more urban Southern California location in downtown Pasadena close to the CalTech campus.

Kotkin finds that the lack of lifestyle amenities is causing significant problems in attracting top creative people to places like the North Carolina Research Triangle. He quotes a major real estate developer as saying, "Ask anyone where downtown is

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and nobody can tell you. There's not much of a sense of place here. . . .The people I am selling space to are screaming about cultural issues." The Research Triangle lacks the hip urban lifestyle found in places like San Francisco, Seattle, New York, and Chicago, laments a University of North Carolina researcher: "In Raleigh-Durham, we can always visit the hog farms."

The Kids Are All Right

How do you build a truly creative community—one that can survive and prosper in this emerging age? The key can no longer be found in the usual strategies. Recruiting more companies won't do it; neither will trying to become the next Silicon Valley. While it certainly remains important to have a solid business climate, having an effective people climate is even more essential. By this I mean a general strategy aimed at attracting and retaining people—especially, but not limited to, creative people. This entails remaining open to diversity and actively working to cultivate it, and investing in the lifestyle amenities that people really want and use often, as opposed to using financial incentives to attract companies, build professional sports stadiums, or develop retail complexes.

The benefits of this kind of strategy are obvious. Whereas companies—or sports teams, for that matter—that get financial incentives can pull up and leave at virtually a moment's notice, investments in amenities like urban parks, for example, last for generations. Other amenities—like bike lanes or off-road trails for running, cycling, rollerblading, or just walking your dog—benefit a wide swath of the population.

There is no one-size-fits-all model for a successful people climate. The members of the creative class are diverse across the dimensions of age, ethnicity and race, marital status, and sexual preference. An effective people climate needs to emphasize openness and diversity, and to help reinforce low barriers to entry. Thus, it cannot be restrictive or monolithic.

Openness to immigration is particularly important for smaller cities and regions, while the ability to attract so-called bohemians is key for larger cities and regions. For cities and regions to attract these groups, they need to develop the kinds of people climates that appeal to them and meet their needs.

Yet if you ask most community leaders what kinds of people they'd most want to attract, they'd likely say successful married couples in their 30s and 40s—people with good middle-to-upper-income jobs and stable family lives. I certainly think it is important for cities and communities to be good for children and families. But less than a quarter of all American households consist of traditional nuclear families, and focusing solely on their needs has been a losing strategy, one that neglects a critical engine of economic growth: young people.

Young workers have typically been thought of as transients who contribute little to a city's bottom line. But in the creative age, they matter for two reasons. First, they are workhorses. They are able to work longer and harder, and are more prone to take risks, precisely because they are young and childless. In rapidly changing industries, it's often the most recent graduates who have the most up-to-date skills. Second, people are staying single longer. The average age of marriage for both men and women has risen some five years over the past generation. College-educated people postpone marriage longer than the national averages. Among this group, one of the fastest growing categories is the never-been-married. To prosper in the creative age, regions have to offer a people climate that satisfies this group's social interests and lifestyle needs, as well as address those of other groups.

Furthermore, a climate oriented to young people is also attractive to the creative class more broadly. Creative-class people do not lose their lifestyle preferences as they age. They don't stop bicycling or running, for instance, just because they have children. When they put their children in child seats or jogging strollers, amenities like traffic-free bike paths become more important than ever. They also continue to value diversity and tolerance. The middle-aged and older people I speak with may no longer hang around in nightspots until 4 a.m., but they enjoy stimulating, dynamic places with high levels of cultural interplay. And if they have children, that's the kind of environment in which they want them to grow up.

My adopted hometown of Pittsburgh has been slow to realize this. City leaders continue to promote Pittsburgh as a place that is good for families, seemingly unaware of the demographic changes that have made young people, singles, new immigrants, and gays critical to the emerging social fabric. People in focus groups I have conducted feel that Pittsburgh is not open to minority groups, new immigrants, or gays. Young women feel there are substantial barriers to their advancement. Talented members of racial

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and ethnic minorities, as well as professional women, express their desire to leave the city at a rate far greater than their white male counterparts. So do creative people from all walks of life.

Is there hope for Pittsburgh? Of course there is. First, although the region's economy is not dynamic, neither is it the basket case it could easily have become. Twenty years ago there were no significant venture capital firms in the area; now there are many, and thriving high-tech firms continue to form and make their mark. There are signs of life in the social and cultural milieu as well. The region's immigrant population has begun to tick upward, fed by students and professors at the universities and employees in the medical and technology sectors. Major suburbs to the east of the city now have Hindu temples and a growing Indian-American population. The area's gay community, while not large, has become more active and visible. Pittsburgh's increasing status in the gay world is reflected in the fact that it is the "location" for Showtime's "Queer as Folk" series.

Many of Pittsburgh's creative class have proven to be relentless cultural builders. The Andy Warhol Museum and the Mattress Factory, a museum/workspace devoted to large-scale installation art, have achieved worldwide recognition. Street-level culture has a growing foothold in Pittsburgh, too, as main street corridors in several older working-class districts have been transformed. Political leaders are in some cases open to new models of development. Pittsburgh mayor Tom Murphy has been an ardent promoter of biking and foot trails, among other things. The city's absolutely first-rate architecture and urban design community has become much more vocal about the need to preserve historic buildings, invest in neighborhoods, and institute tough design standards. It would be very hard today (dare I say nearly impossible) to knock down historic buildings and dismember vibrant urban neighborhoods as was done in the past. As these new groups and efforts reach critical mass, the norms and attitudes that have long prevailed in the city are being challenged.

For what it's worth, I'll put my money—and a lot of my effort—into Pittsburgh's making it. If Pittsburgh, with all of its assets and its emerging human creativity, somehow can't make it in the creative age, I fear the future does not bode well for other older industrial communities and established cities, and the lamentable new class segregation among cities will continue to worsen.

Seattle has suburban Bellevue and Redmond, where Microsoft is located, as well revitalized inner-city neighborhoods.

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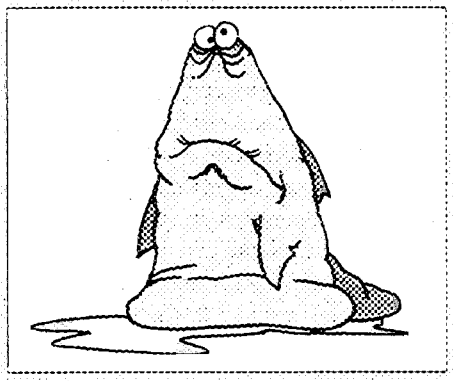
Tidbits & Outrages

THE CASE FOR CAMPAIGN FINANCE REFORM ON CAMPUS

Washington University in St. Louis hired former Rep. Jim Talent to teach a single course called "Thinking Like a Congressman"—and paid him $90,000 for the effort. The average annual salary for a full-time associate professor at the school is $67,000.



WET THREAT?

On March 26, the Institute of Medicine's Committee on the Review of Damp Indoor Spaces met in Washington, D.C. It was closed to the public.

BEATING THEM WHEN THEY'RE DOWN

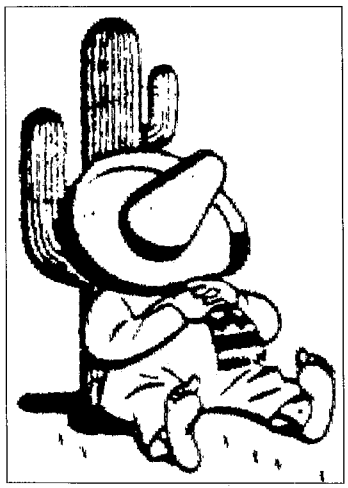
According to *The Progressive*, Enron is "the only company in the world to have its own Amnesty International report," a result of worker mistreatment at the company's $3-billion power plant in Dabhol, India.

FIT HIM FOR PINSTRIPES

"They have the testicles of an ant."
–Recently convicted Rep. James Traficant (D-Ohio), belittling prosecutors in his corruption trial.

mouse trapped

Speedy Gonzales, the Warner Bros. cartoon mouse who famously bested Sylvester the Cat and Daffy Duck with his trademark cry "Arriba! Arriba!" has been banned from the Cartoon Network, which, Fox News says, considers him "an offensive ethnic stereotype of Mexicans." However, the rapid rodent can still be seen in one place: Cartoon Network Latin America, where he remains "hugely popular."



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Machined Politics

*How the Internet is really, truly—*seriously!*—going to change elections*

BY NICHOLAS THOMPSON

WITH CONTROL OF THE HOUSE and Senate hanging in the balance, every pundit, politico, and poli-sci professor has a theory on which party will win in November's elections. Opposition parties always gain in midterm elections, Republicans could ride Bush's coattails, Enron could swing the country to the Democrats.

Although these issues matter, close elections often hinge on a much less sexy factor: which party does a better job of getting out the vote. After all, when the polls open, policies don't vote. People do.

So if you want a sense of who will win, pay less attention to pundits and more to what actually drives people to the polls, especially one overlooked factor that has fallen short in the past: the Internet. As several recent primary elections demonstrate, smart campaigns have discovered that the Internet can serve as an amazingly powerful tool to help integrate a candidate's field operations, organize volunteers, and get out the vote.

Consider Illinois' hotly contested Democratic gubernatorial primary this March, in which Chicago congressman Rod Blagojevich engineered a narrow victory. His campaign set up 350 "indicator precincts" across the state, from which campaign workers reported voter turnout to headquarters by dialing an 800-number at prearranged times throughout the day. These numbers were immediately posted to a Web site for staffers in Blagojevich's campaign headquarters to download and analyze. If turnout was low in a county they expected to win, the campaign used email and phones to get more volunteers to knock on doors and contact likely voters, and even to plant popular supporters on local radio stations. "In Rock Island County, we showed their turnout to be very light early on," says Pete Giangreco, a consultant to the campaign. "So we turned our people there and not only got 69 percent of the vote, but we got a higher turnout there than in the last election."

Theoretically, the campaign could have done the same sort of compiling before the Internet, with pen, paper, and calculators. It just would have taken several days—by which time their candidate would have been home eating cold soup.

Blagojevich also boosted turnout with what Giangreco calls "Web-based predictive dialing systems." On Election Day, campaign workers strapped on their headsets, logged into a Web-based voter database, and let the computer automatically dial the numbers of likely supporters who had missed voting in at least one recent election and might choose to sleep through this one, too—data that the campaign had methodically culled from public records and private contractors and entered into its online database. "Usually a volunteer on their own with a manual phone can make between 10 and 12 contacts an hour," says Giangreco. "With a Web-based predictive dialer, that almost doubles." The campaign's net-savvy approach paid off. Blagojevich eked out a 3-percentage-point victory.

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In a way, what Blagojevich did mirrored the work of one of his Chicago predecessors, Richard J. Daley. The notorious mayor and his cronies won by organizing precinct captains to corral votes, while Daley maintained a giant stack of note cards in order to remember who supported him (and thus might deserve patronage jobs) and who did not. According to one biography of Daley, a ward committeeman once stormed out of a meeting with the words, "For God's sake, you wonder how he can run the city, keeping all that shit about how many jobs you've got in his head."

Though the patronage system is dead, today's smart candidates are rediscovering the art of voter contact. They've simply traded in notecards for giant Web-based databases, and swapped arm-twisting for hyperefficient, electronic back-office operations. For savvy candidates, the Internet has become the new political machine.

Promises, Promises

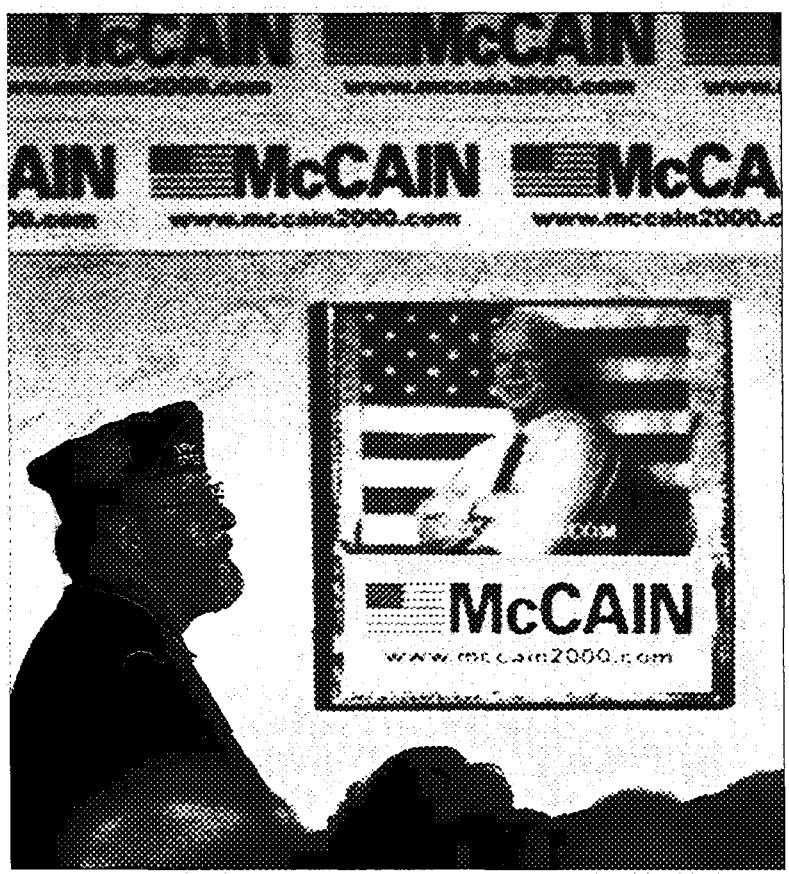
Until recently, the most notable thing about the Internet's much-heralded effect on politics has been its failure to live up to its billing. It hasn't brought about a Jeffersonian revolution, changed the way we vote, or transformed political coverage.

Its most memorable moment came in 2000, when heavyweight politicos, from Mike McCurry to Dick Morris to Carl Bernstein, scrambled onto Web sites with giant ambitions and murky business plans, just like their counterparts in the business world. "The Internet has turned the communications industry in this country on its head," declared Craig Smith, Al Gore's one-time campaign manager, as he set up shop as the director of the short-lived site, voter.com. "It's going to turn politics on its head, too."

But when the tech bubble burst, the political Web bubble went with it, and the same business model that failed e-commerce, search engines, and other sites—draw eyeballs now, worry about revenue later—also failed. People did use the Internet to learn about politics. (The Pew Foundation reports that three times as many got campaign news from the 'net in 2000 as they did in 1996.) But most people wanted simple news, not a site "delivering democracy to your desktop," as voter.com promised. Online polls bombed as accurate gauges, cranks dominated Internet chat rooms, and ultimately users tilted toward trusted sites such as NYTimes.com and CNN.com.

The Web also underachieved in the most prominent campaigns. Clinton, Dole, and Perot all created Web sites in 1996, though they essentially amounted to little more than online yard signs with pretty pictures and a few funky features. In 2000, Steve Forbes announced his candidacy online, spent millions mining data and targeting ads, and sank to the bottom of the pack anyway. Hackers defaced George Bush's site with a hammer and sickle early in the campaign and his page crashed repeatedly in the heat of the final month.

Today, the old conventional wisdom—The Web Will Change Everything—has been replaced by a cynical new CW: The Web is Good for Nothing. "The Internet is cool and you never want your website listed as one of the 10 worst in politics," says Jim Jordan, executive director of the Democratic Senatorial Campaign Committee. But "as



McCain's 2000 campaign posters prominently featured his election website.

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a communication tool, the Internet is Tinkertoys." University of Virginia professor Larry Sabato echoes the views of other Washington insiders when he says, "I honestly believe that it doesn't matter much."

But the Internet *is* fundamentally changing politics, but in unflashy ways that parallel what has happened in the business world. After the dot-com crash, two types of businesses have principally thrived by using the 'net: Businesses that do old things in new ways that rely on the Internet's unquestionable ability to increase the speed and quantity of information flows, such as eBay, and old economy firms, such as UPS, that use the Internet to do what they're already doing better, faster, and more efficiently—for instance, linking suppliers and distributors in just-in-time inventory systems.

"The Internet's not a novelty, but a useful tool that can do down-and-dirty work. It creates grassroots politics on steroids."
—Nathan Wilcox, Sanchez's chief Internet strategist.

In politics, it's very much the same. What matters is using basic new technology to do old things better, and focusing on substance, not on how sexy a web page can be. "A campaign Web site is a receptionist's office. The really interesting stuff is occurring on the back end and through email," says Michael Cornfield, a George Washington University professor currently writing a book about the Internet and elections.

Web Pioneers

Among the first to understand that was a bald populist former pro wrestler who strutted into office with the help of a pack of 'net fiends. Running for governor of Minnesota in 1998 on a shoestring budget, Jesse Ventura couldn't spend much money on his Web site. Instead, he drove an RV from rally to rally, meeting hundreds of volunteers at each stop and organizing them into an online email list, which helped him to pull ahead over the final days of the election. "The Internet for us served as the nervous system for the campaign," Ventura's campaign manager said afterward. "The Web site was not the difference; it was the mobilization."

John McCain also understood the Web's back-office potential. In the course of his surprisingly vigorous presidential challenge, the Arizona Senator relentlessly plugged his Web site, mentioning it at rallies and painting the URL address on top of his bus for the sake of TV viewers and reporters in helicopters peering down at the Straight Talk Express. When visitors logged on, McCain worked aggressively to add them to his email list and persuade them to volunteer. When it looked as if McCain might not make it onto the Virginia ballot, his campaign sent Internet ads to state Republicans, urging them to sign and circulate McCain petitions. The Internet provided a fast and effective way to raise desperately needed money, and the underfunded candidate hauled in about $2 million online in the week after the New Hampshire primary. "The Internet changed the whole dynamics of the race," says Max Fose, McCain's Internet campaign manager.

Though McCain lost, another candidate applied the Internet's strengths in similar ways and won. Maria Cantwell, a former executive of the software company RealNetworks, created an innovative email listserv that enabled discussion between supporters and her campaign staff in her race to unseat Sen. Slade Gorton (R-Wash.). *Slate.com* honored Cantwell's site as "the best campaign on the Web." Her campaign also taped and digitized her opponent's TV ads, emailing them to campaign consultants in Washington, D.C., and allowing her to respond within minutes. Cantwell's clever and aggressive use of the Internet was instrumental—and possibly decisive—in her 2,000-vote victory over Gorton.

Like Cantwell, Jean Carnahan of Missouri won an upset victory over a GOP Senate incumbent with a high-tech assist—provided, in this case, by the NAACP, which downloaded voter-list updates every half-hour on Election Day from a company called Aristotle. The NAACP was then able to compile names of voters based on 30 factors, ranging from age to income to military status. It could even identify "super voters" (people who have voted frequently in the past) and "fat cats" (people who have recently donated to political campaigns). This was particularly important in St. Louis. After election officials made

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the controversial decision to reopen the city's polls late at night (after registered voters were turned away), the NAACP was able to devote a few more hours to turning out likely voters for Carnahan, who went on to unseat then-Sen. John Ashcroft (R-Mo.) by two percentage points. This was not an isolated case. With about 150 million voter records in its file, available to campaigns at a cost of about two-and-a-half cents each, Aristotle's data were used in every single battleground state in 2000, and by 36 of the 50 wealthiest senate campaigns. The company's biggest client in 1999, representing 21 percent of its total business, was the National Rifle Association, an organization that also buys lists of concealed-weapons permit holders and has demonstrated that it knows a few things about influencing the outcome of an election.

And nowhere was the Internet's organizational effectiveness better displayed than in Florida, where Bush and Gore both flooded the state with Election Day emails. It was Gore campaign strategist Michael Whouley, watching the rapidly narrowing vote count online, who convinced the vice president to retract his concession. And after the election, the Republicans' use of email attracted a phalanx of GOP operatives to Florida to disrupt the ballot recount and ultimately help Bush take the election. "I think the Internet officially arrived on the political scene in December in Tallahassee," says Mark Walsh, a former AOL executive who is the new chief technology adviser to the Democratic National Committee.

Nowhere was the Internet's organizational effectiveness better displayed than in Florida, where Bush and Gore both flooded the state with Election Day emails.

Winning through the Web

The Internet's real value to politics has gone largely unnoticed by pundits and political reporters, who tend to focus their attention on the message end of campaigns. What are candidates saying? Do they have enough money to keep saying it? And how are voters reacting to what the candidates are saying? These are important questions. But they also happen

Why Karl Rove Fears the Internet

By Nicholas Thompson

Appearing on Charlie Rose's television show in early March, Karl Rove, President Bush's top political adviser, singled out Susan Collins, the Republican senator from Maine, as someone whose race he was truly worried about. At first blush, that may have sounded odd. Collins's challenger, liberal state senator Chellie Pingree, may have plenty of good ideas, but she also started her campaign quite a bit behind the incumbent.

In the spring of 2001, Pingree originally set up shop at her home on North Haven Island, population 350, 12 miles off the coast of Maine. Then, with the help of her daughter, an escapee from ivillage.com, and a tech-savvy neighbor, Pingree built a high-speed wireless Internet system and began banging away at her Mac.

In addition to working the phones, Pingree sent scores of emails each day to everyone she knew, and many more to folks she didn't. When it came time for her first important fundraiser, she sent out a personal email to everyone who joined the list on her Web site announcing that she was having a picnic. "We will meet you at the ferry terminal on North Haven and bring you to the picnic (rain or shine). For lunch, we will have a cookout with hot dogs, chicken, and veggie burgers and we expect to have plenty of food. For those of you who want to add to the table, please bring either a salad or dessert."

Jon Corzine wouldn't have done it that way, but it worked.

Hundreds of people took the hour-long ferry ride to the island to eat veggie burgers. Hundreds more sent along online donations. Because of a late surge of Internet giving that summer, Pingree exceeded her first-quarter fundraising goal, a critical milestone for any candidate to show

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to be the easiest ones for reporters to answer. Watch a candidate (or his commercials), read the polls, and suddenly you're an expert!

It's much more work to assess the strength of a campaign's field operations: who has the most volunteers, the most up-to-date voter lists, etc. Yet field operations are often just as important as message. Yes, Democrat Mark Warner beat Republican Mark Earley in last fall's Virginia governor's race by 53 percent to 47 percent, in part because Virginia's GOP had made a hash of the state budget—a fact mentioned in nearly every press account of the race. Little noticed was the fact that Warner, a former high-tech executive, spent proportionately five times as much of his money on the Internet as Earley, compiling a giant database of likely supporters based on information similar to Aristotle's and augmented by data scanned in from door-to-door visits and monitoring vote tallies and turnout, as did Blagojevich's campaign in Illinois.

Certainly Mike Bloomberg edged out Mark Green by two percentage points in the New York mayor's race with the help of a last-minute endorsement by Rudy Giuliani and Democratic infighting, as every reporter who covered the race surely noted. Unreported was the fact that Bloomberg poured much of his $50-million campaign budget into a completely novel Internet advertising campaign, targeting advertising on NYTimes.com to reach readers in specific zip codes (which the *Times* gathers each time someone registers on their site). In the election's final days, these sought-after voters were as likely to receive Bloomberg advertisements as news about Afghanistan.

Handicapping the House and Senate

This fall's elections promise to be especially tight. According to *Cook Political Report*, Washington's election-forecasting bible, Democrats have three very tough Senate seats to defend, as do the Republicans, with three other open seats a tossup. Control of the House will come down to about 30 or 40 races and could go either way. Many of those races haven't even had primaries, so it's too early to handicap them. But the party that can mobilize supporters best should win—which means that the party which best exploits the Web may well end up controlling Congress.

Democrats have always had some strong individual Internet users. Al Gore is generally considered to have run a better online campaign than Bush, and John Kerry has set up an extraordinarily advanced online campaign—ostensibly in support of his 2002 Senate race, but really more concerned with winning the presidency in 2004. His Web site allows users to personalize the issues about which they get mail, email friends about Kerry, post online bumper stickers and buttons, and start their own virtual

that she's serious and capable. In the second half of 2001, Pingree actually outraised Collins, something extremely rare for a challenger.

But Pingree is part of a new wave of challengers, many of whom have reaped the Internet's rewards because they tend to be poorer, hungrier, and thus more willing to try something new and unorthodox. Millionaire candidates like Bloomberg will always be able to do the most online, but while a good television strategy depends heavily on the size of one's bank account, a good Web strategy depends mostly on effort, smarts, and ambition. Of the challengers who defeated congressional incumbents in 2000, 75 percent were judged to have superior Internet strategies, according to rankings done before the elections by juno.com and e-advocates.com. That advantage may not last—and ultimately the Web may mainly help incumbents able to build up huge lists over the years—but for now it's giving challengers the boost.

Pingree may not be the favorite, but she is a contender, thanks in large part to the Internet. As Collins hangs back and waits—she has yet to build a real campaign Web site—Pingree's site was named the best of all Senate candidates' by *Campaigns & Elections* magazine and her campaign staff prides itself on what it says is the largest political email list in the state. Staffers gather information at everything from blueberry festivals to fundraisers, storing it in an online database accessible to campaign workers, whether they're in Penobscot or Portland. Campaign manager Deborah Reed says that this process has been critical to the fundraising campaign and will also be critical to getting out the vote on Election Day. "It's the best way to get info to people, and it's the best way to get info from people."

Pingree, who has moved her headquarters to Portland, grins and agrees, "It's just as easy to contact someone in Madawaska as someone just across the street."

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precincts, either adding friends lists online or printing out an easy sign-up form.

But overall, Republicans currently hold a major advantage. The Republican National Committee has compiled an email list of about 2 million people through aggressive advertising and marketing of its Web site. By contrast, the Democratic National Committee has a list about one-fifth that size. The RNC also maintains a database of about 200 million names, similar to Aristotle's, that it shares with GOP groups nationwide, allowing them to target likely voters by region and other factors. The Republican congressional leadership site, GOP.gov, has 1,650 email lists that users can join, broken down by everything from geography to issues to the frequency with which subscribers want to receive mail.

The Republicans may have this advantage simply because affluent people buy into new technologies first, and also because they have a steady income stream that allows them to invest in infrastructure (Democrats tend to spend everything they have each election cycle). But it's more likely that they have achieved this advantage because they are tougher and smarter than their opponents. According to a source close to the decision-making process, Democrats had an opportunity to set up a system similar to the GOP's. But they declined because Minority Leader Richard Gephardt (D-Mo.) wanted more personal attention and nixed a party-wide email and news system, which he felt didn't put enough emphasis on him. A spokeswoman for Gephardt disputes this account and says that the decision not to mimic GOP.gov was made mainly for financial reasons, adding, "They're different sites and they do different things."

Nevertheless, to understand the extent of the Democrats' disadvantage, one need do no more than visit the search engine Google.com and enter "House of Representatives, Republicans." You'll be linked to GOP.gov with its 1,650 email lists. Then try "House of Representatives, Democrats." You'll get Gephardt's homepage and a little link at the bottom of your screen offering you the opportunity to sign up for "The Gephardt Report."

On Internet issues, the Republican rank-and-file generally seem one step ahead. According to a recent report by the Bivings Group, a Washington-based Internet communications company, Republican incumbents running for reelection in the House are 50 percent more likely to have functioning Web sites. Their sites are also easier to find, more likely to allow users to give online donations, and more likely to provide information on how visitors to the site can volunteer for the campaign.

When it comes to making good use of the Internet, Democrats do have some interesting challengers in the House. Jack Conway, a young candidate in Kentucky's competitive Third District, has constructed an impressive Web site, devoted himself to building a mailing list, and hired the firm netcampaign, one of the most respected strategy companies in the business, to handle his online strategy. But to take back the House, Democrats need to wrest more than half-a-dozen seats from Republicans, not one. And if they do so, all indications are that it will be because of something besides the 'net.

In the Senate, Democrats are in much better shape. Their incumbents fared slightly better than Republican Senators did in the Bivings Group poll and, more important, in the close races, the Democratic candidates have moved quickly online. Sen. Jean Carnahan (D-Mo.), who is in a tight Missouri race against former Rep. Jim Talent (R-Mo.), has already shown that she knows how to use the Internet. Paul Wellstone in Minnesota and Tim Johnson in South Dakota are two more Democrats who have also undertaken impressive online strategies, methodically culling addresses and recruiting volunteers. Chellie Pingree, a Democratic Senate candidate in Maine (see sidebar), is another Internet-aided candidate who might pull off an Election Day upset.

The Republicans, too, are moving full speed ahead in the tight races. Ben Whitney, campaign manager for Wellstone challenger Norm Coleman, says that the Internet is "potentially the greatest political tool of all time" and the campaign has set up all the essentials. John Thune, challenging Johnson in South Dakota, has created an online strategy that is in many ways similar to John Kerry's. Elizabeth Dole has hired Mike Bloomberg's online team to provide a little extra juice in the Tarheel state.

When it comes to governorships, the parties seem about evenly split, but one race to keep an eye on is in Texas. Democratic nominee Tony Sanchez built one of the most sophisticated Internet operations in the country during the primary, and stands a genuine chance of knocking off George W. Bush's successor, Republican Rick Perry. "The Internet's not a novelty, but a useful tool that can do down-and-dirty work," says Nathan Wilcox, Sanchez's chief Internet strategist. "It creates grassroots politics on steroids." He's right—and the party that understands that will probably prevail in 2002.

Research assistance provided by Joe Dempsey and Tyler Cabot.

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Jilted

Why Bush's marriage czar went soft.

By Susan Wieler

When George W. Bush nominated Wade Horn to become assistant secretary for children and families at the U.S. Department of Health and Human Services (HHS), social conservatives couldn't have been happier. Horn was one of the country's leading figures in the Christian right's "pro-marriage" movement. As the pro-life, pro-abstinence conservative president of the National Fatherhood Institute (NFI), Horn had spent much of the late '90s crisscrossing the country exhorting state welfare officials to spend some of their welfare block grant on marriage promotion.

Long inveighing against the "extremist" views of what he has dubbed the "we hate marriage" left, Horn spoke the language of the religious right and was a strident proponent of traditional marriage as the cornerstone of a moral society and the best strategy for lifting single mothers and their children out of poverty.

For five years, Horn had trumpeted the superiority of the married, two-parent family in a weekly syndicated column for the conservative *Washington Times*, "Fatherly Advice," in which he put forth his views on everything from cohabitation ("the most dangerous place for women and children") to gender-neutral parenting ("trying to make little boys into little girls not only doesn't work, it enrages little boys"). Horn also used his column to come to the defense of the Southern Baptist Convention, which in 1998 had proclaimed that a wife should "submit" to her husband's "servant leadership" and serve as his "helper." While women's groups expressed outrage, Horn quoted from the New Testament that "the husband is the head of the wife just as Christ is the head of the Church" and explained that while Dad may be the boss, true "servant-leadership" is humble and self-sacrificing.

In a 1997 article for the conservative Hudson Institute, Horn proposed increasing the marriage rate in poor communities by denying single parents and their children access to certain welfare benefits such as Head Start and public housing until all married, two-parent families had been served. And just last summer, Horn wrote in a *Brookings Review* article that Congress should "use the upcoming reauthorization to require states to build support for marriage into their welfare reform efforts."

Given his gold-star conservative background, Horn's nomination seemed to signal that the administration would push for the social conservative agenda, which includes a call for devoting 10 percent of the entire federal welfare budget—$1.5 billion—to marriage-promotion programs, and mandating that all states implement them.

Of course, Horn's selection infuriated liberal groups as much as it pleased conservatives. Feminists dubbed him the "marriage czar" and took issue with his opposition to no-fault divorce and particularly his views in the Hudson Institute article. Before his confirmation hearing last June, they were brewing for a fight, but just weeks before the hearing, Horn did a Clarence Thomas and renounced the Hudson Institute policy. He sailed through the Sen-

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ate in 10 minutes.

After the hearing, Eleanor Smeal, president of the Feminist Majority Foundation, told reporters that she suspected that Horn's change of heart was due only to his desire to avoid a messy confirmation fight. As it's turned out, though, Horn's conversion may have been a real one—or at least a necessary one if he is to keep his job in the administration.

Since assuming the post nine months ago, the marriage czar has become distinctly less imperious. No longer does Horn call for government marriage mandates or deliver impassioned lectures about the selfishness of divorce and the social chaos caused by single motherhood. Instead, he offers up moderate stump speeches supporting the administration's modest marriage initiative and calls for deference to state government.

This more moderate stance hasn't succeeded in quieting liberal opposition to the administration's plans for welfare reform, but it has managed to anger the very social conservatives that Horn's appointment was supposed to appease. According to the Heritage Foundation's Robert Rector, "The federal government spends a thousand dollars subsidizing single parenthood for every dollar it spends promoting marriage. If the Bush administration continues to support this state of affairs, conservatives will revolt."

Horn's accommodating stance on the marriage issue is emblematic of the delicate dance the Bush administration must do to satisfy two very different wings of its party—one that wants to see the government take a bigger role in moral and personal affairs, and another that espouses limited government and lower taxes. Significantly, the latter view is represented by Horn's boss, HHS secretary and former Wisconsin governor Tommy Thompson. As one of the pioneers in the welfare reform movement at the state level, Thompson has little interest in telling the states what to do. (Bush, as a Christian conservative and a former governor, has a foot in each camp.)

As Congress heads into negotiations over reauthorization of the six-year-old welfare reform act, which will expire at the end of the summer, liberals will undoubtedly tussle with the administration. But in the end, the real fight over welfare reform promises to be an internecine war between the two competing factions of the Republican Party, with Wade Horn at its center.

"The federal government spends a thousand dollars subsidizing single parenthood for every dollar it spends promoting marriage. If the Bush administration continues to support this state of affairs, conservatives will revolt."
—Robert Rector, The Heritage Foundation

A Sheep in Wolf's Clothing

While Bush clearly nominated Horn to placate his always-jumpy fundamentalist base, the decision was a cagey one. Bush seems to have anticipated the treacherous waters Horn would be navigating as the head of an agency responsible for such programs as welfare, Head Start, and child support enforcement. Despite some of his more radical writing, Horn may have been a sheep in wolf's clothing all along—the pragmatist who can put aside his rhetoric for the sake of political expediency.

Jim Levine of the progressive Institute for Fathers and Families puts it this way: "Horn is less of an ideologue than [former NFI head David Blankenhorn], but he can play that role, often for pragmatic reasons and very skillfully. I've seen him in many guises, and he's very skillful in being able to adapt his rhetoric to fit the political occasion."

In person, Horn conveys none of the attack-dog persona he developed at NFI. A balding baby boomer in the style of Eric Camden, the God-fearing but sensitive minister on the family television show "Seventh Heaven," Horn comes off as serious but relaxed. Like Camden, he talks lightly about his love of the electric guitar and worries whether his two teenage daughters will be able to find good husbands.

A 47-year-old Lutheran clinical child psychologist, Horn came relatively late to politics. He was born in Coral Gables, Florida, one of seven children, and raised in Bridgewater, New Jersey. After graduating from American University in Washington,

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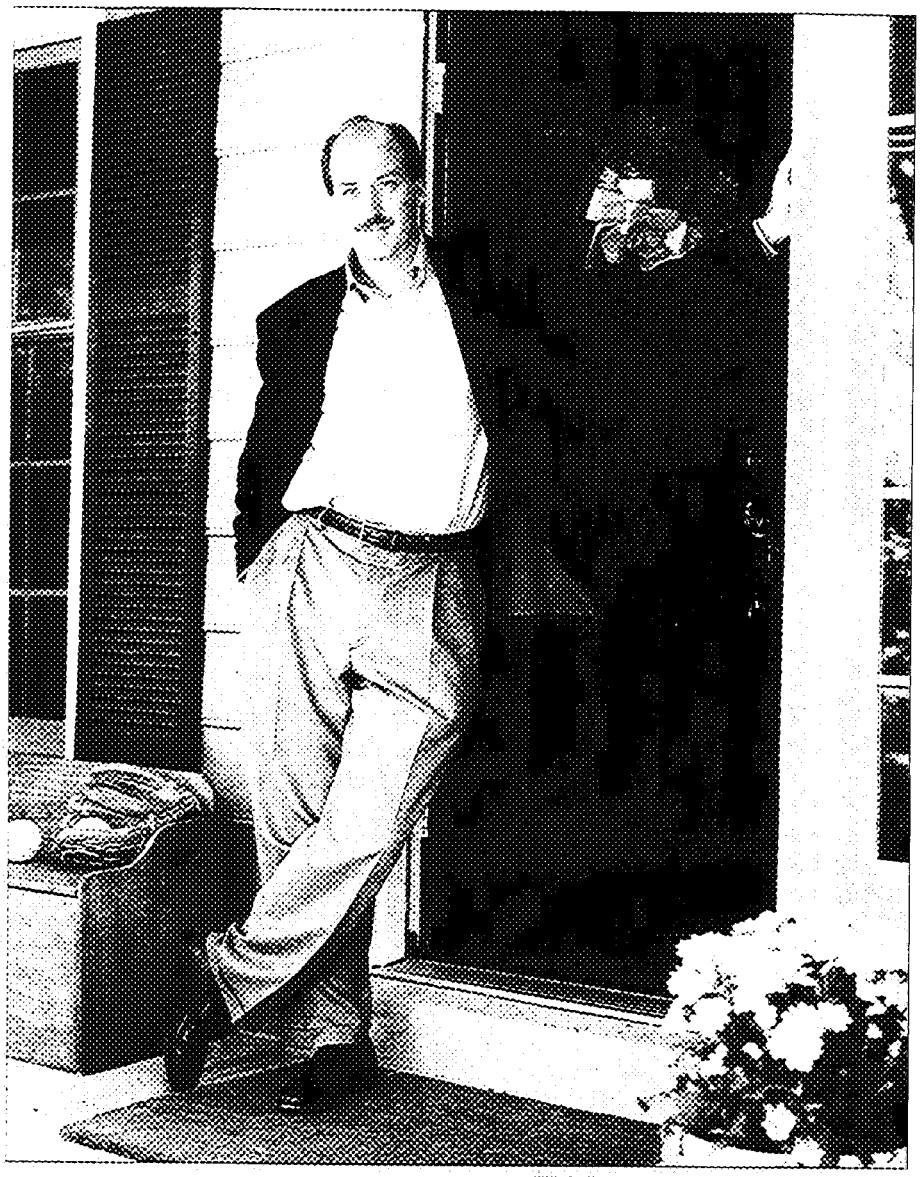
D.C. in 1975, he married his college sweetheart, completed a Ph.D. at Southern Illinois University in Carbondale, and began a career in research, focusing initially on learning disabilities.

In 1986, Horn moved back to Washington, where he became the director of outpatient psychological services at Children's Hospital National Medical Center. It was here, after seeing firsthand the effects of absent fathers on children, that Horn began to develop his strong political feelings about marriage and fatherhood. A bout with cancer as a young father also led him to focus on his family responsibilities in a way he hadn't before, and heightened his political passion for family issues. In 1988, Horn, then just 34, joined George H.W. Bush's transition team and eventually served as commissioner of the Administration for Children, Youth and Families, where he was responsible for Head Start, adoption assistance, and anti-gang programs, among others.

Horn became more outspoken after he left the administration and helped found the nation's fatherhood movement, which called for restoring the traditional family and promoted the view that children do best when raised by their married, biological parents. At NFI, which was financed by the ultra-right Scaife foundation, he helped orchestrate public service ads about the "devastating" effects of single mothers raising boys alone—a phenomenon that Horn has said causes everything from "wilding" in Central Park to the Columbine massacre.

But having been a loyal Bush follower during the first administration, Horn understood the compromises necessary for working inside government. Soft-spoken, earnest, and given to long, nuanced answers to policy questions, he rarely departs from the officially-sanctioned administration script, particularly on welfare reform. By November, Horn was refusing to comment on the marriage mandate, saying that he wouldn't want to unduly influence the states' decisions. By January, he told me that, "Everything I know of that I've said or written" only supports a requirement for states to say what, if anything, they plan to do to encourage marriage. Apparently overlooking his Brookings piece of last summer, Horn now says that if the states want to do nothing, that's just fine with him.



Wade Horn, baseball, and the American flag.

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Since his confirmation, Horn has been remarkably consistent on this point, despite feminists' early suspicions. When I first interviewed Horn last fall in his corner office in downtown D.C., he was in the midst of a "listening tour" of the states in preparation for the upcoming reauthorization of welfare reform. Despite the "listening-tour" label, the meetings were closed to the public and consisted primarily of state welfare officials and a few hand-picked welfare recipients. Given this orchestration, the tour would have been a perfect time for Horn to stump for a federal marriage mandate. Instead, he just listened—and fended off attacks from welfare activists who had been excluded from the meetings, including some 100 welfare recipients and their advocates who staged a protest at the Grand Hyatt Hotel in San Francisco.

Even when speaking to his base, Horn has not "gone off the reservation." At a Heritage Foundation seminar in January on "Saving Marriage: The Foundation of American Society," he maintained the famous Bush administration discipline. Flanked by self-help guru Stephen Covey lecturing on "Seven Habits of Highly Effective Families" and Heritage's Rector, Horn continued to toe the moderate line, emphasizing that the government should promote healthy and smart marriages, promote premarital education and support marital intervention services. Not once did he return to his proposal of just last summer to make marriage promotion a federal mandate.

Habits of Highly Effective Governors

Before the landmark 1996 welfare reform act, welfare policy was made at HHS, which has traditionally been the province of Christian conservative political appointees during Republican administrations. But party activists seem to have forgotten that welfare reform devolved most of the responsibility for welfare to the states in the form of block grants. As a result, any changes in welfare, such as a marriage mandate, would have to get past another powerful wing of the Republican Party: the states'-rights promoters, represented by the predominantly Republican National Governors Association. Officially, the governors have approached the marriage subject delicately, not wanting to alienate the Christian right. They claim to support worthy goals of family formation, etc., but their official stance on the marriage mandate pushed by Heritage and others makes their bottom line clear.

"Governors would oppose any effort to establish set-asides or further restrictions on the use of [welfare] funds ... Any added emphasis the federal government places on a specific area of [welfare] spending, such as family formation, fatherhood, or poverty reduction, should come in the form of additional federal spending for state demonstration projects that can be rigorously evaluated," reads the NGA's official policy on the issue.

The governors' apprehension about the marriage mandate is even more evident in their use of the federal welfare block grant to date. When the block grant was created six years ago, it came with three goals: moving welfare mothers into jobs, reducing out-of-wedlock births, and promoting marriage. To date, however, only Oklahoma and Arizona have implemented any kind of marriage promotion programs, and they are far from the comprehensive models social conservatives are seeking. "States have scoffed at these goals," says Rector. "Conservatives have this myth that state welfare bureaus are fountains of cutting-edge innovation and they are exactly the opposite."

That's why social conservatives want Washington to force states to promote marriage—because the states won't do it on their own (and probably for good reason, given that there's not much evidence such programs actually work). But so far, the administration, acting through Horn, has refused to give them what they want, a sign that the governors are winning the battle.

In February, the Bush administration proposed to spend $100 million a year—far less than the $1.5 billion than Christian conservatives had hoped for—to encourage marriage among low-income people, and even these funds may be used for other purposes. (Later, the administration announced that another $100 million would be made available, but only if states came up with dollar-for-dollar matching funds.) The money would finance demonstration projects in pro-marriage education, premarital counseling and relationship skills training. But most importantly from the administration's perspective, states would be free, but not forced, to apply for the marriage-promotion money—a position that Horn says he supports wholeheartedly.

While the governors may be happy about this trend, social conservatives are less enthused. So far, their leadership is reluctant to publicly denounce Horn for selling out. But as Rector put it in January, "To say we ought to leave this in the hands of the states is an insult to anyone who believes in the

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importance of marriage in our society. If the states want full discretion over how welfare is run, they should pay for it."

Not only are conservatives unhappy with the lack of a federal mandate, but they believe Bush has shortchanged marriage in the budget. Peter Brandt, of Focus on the Family, says that his group is unhappy because the money for marriage promotion was made available only by ending another welfare program that granted bonuses to states where rates of out-of-wedlock births declined. "There was no additional net new money to promote marriage," he says. "The administration just rearranged the same number of chips."

Having Horn at the helm of the welfare administration has helped defuse some of this criticism from the right, but it hasn't stopped it, and the griping seems to have gotten the administration's attention recently. In late March, the administration dispatched Bush strategist Karl Rove to a meeting of the Family Research Council, the influential Christian political group, to reassure supporters that the administration had not abandoned their goals. According to *The Washington Post*, Rove told the group of 250 political activists from around the country that, "There'll be some times you in this room and we over at the White House will find ourselves in agreement, and there'll be the occasion when we don't. But we will share a heck of a lot more in common than we don't. And we'll win if we work together far more often than the other side wants us to."

For Horn's part, he claims that all is well on the ranch. "So far, I've heard nothing but positive reaction to our marriage proposals from pro-family, conservative groups," he claims. But outside observers who've been involved in negotiations with the White House and Congress over welfare reauthorization believe that public unanimity will not last long. Ron Haskins, a senior fellow at the Brookings Institution and one of the architects of the present welfare law, predicts that the marriage issue is going to provoke a serious fight in Congress over the summer. And he says, "It's going to be ugly."

Research assistance provided by Tyler Cabot and Justin Peters.

The Washington Monthly's Monthly Journalism Award

Walt Bogdanich, Barry Meier, Mary Williams Walsh

"Medicine's Middlemen: Spending Money, Strings Attached,"
& "Medicine's Middlemen: One Group's Conflicts"
The New York Times, March 4 & 26, 2002

This series of investigative articles examines the seamy world of purchasing groups that buy medical products for hospitals, and the suspiciously close ties between these groups and certain pharmaceutical companies. "Spending Money, Strings Attached" outlines how these hand-in-glove relationships often result in other, better, non-affiliated products being excluded from hospital use. "One Group's Conflicts" looks at the incestuous relationship between F.D.A. violation-prone American Pharmaceuticals and buying group Premier Inc. Taken together or separately, these well-written, solidly reported articles are textbook examples of journalism in the public interest.

The Monthly Journalism Award is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explores the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 733 15th Street, NW, Suite 1000, Washington, DC 20005. Or e-mail us at editors@washingtonmonthly.com. Nominations for stories run in April 2002 are due May 5, 2002.

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The Big Switch

Why Democrats should draft John McCain in '04, and why he should let them

BY JOSHUA GREEN

DEMOCRATS ARE MORE DISPIRITED today than they have been in years. It's not just that President Bush's approval ratings continue to defy gravity, or that he's been largely successful in enacting a conservative agenda. Nor is it simply that Democrats seem to lack a fighting spirit and an effective message. It's not even the distinct possibility that Republicans could retake the Senate this fall, and with it, control of Washington. What's plaguing so many in the Democratic Party is that looking to the future, there doesn't appear to be a savior. Presidential aspirants are already lining up for 2004, but so far, no one's very excited.

It isn't uncommon for political reporters, at about this point in the election cycle, to size up the field and declare it lacking. But that isn't the problem. Under normal circumstances, this would have to be considered a tremendous selection: a decorated war veteran (Sen. John Kerry), the most recent vice-presidential nominee (Sen. Joe Lieberman), a popular majority leader (Sen. Tom Daschle), a charismatic Southern senator (Sen. John Edwards), and (let's face it) the winner of the last presidential election (Al Gore). Sure, each hopeful has liabilities—Edwards lacks experience; Kerry's a bit slick; etc. And yet these flaws don't explain why people view the field with despair. Deep down, what worries them is the growing sense that none of these candidates can beat Bush. Doing that will require someone with the perfect combination of qualities: the ability to match Bush's greatest strength (military leadership), exploit his greatest weakness (shameless ties to special interests), and offer a fresh, appealing agenda of his own. More and more, an honest survey of Democratic contenders suggests that unless the political winds change, the likeliest outcome is: four more years of George W. Bush.

There is an alternative, but it isn't one that most people have considered. In fact, the best Democrat may be someone who's no Democrat at all: Sen. John McCain (R-Ariz.). As a war hero who's hawkish on foreign policy, he more than matches Bush on the military front. As a reform-minded foe of corporate welfare, Big Tobacco, and the Republican right, he is peerless. McCain is Bush's most vociferous critic, who voted against the president's tax cut, forced Bush's hand on campaign finance reform, and federalized airport security in the face of White House opposition. He has co-sponsored numerous bills with Democrats—many of them in the presidential-aspirant class—requiring background checks at gun shows (Lieberman), a patients' bill of rights (Edwards), better fuel-efficiency standards in cars and SUVs (Kerry), and expanded national service programs (Bayh). He is even drafting a bill with Lieberman to reduce greenhouse gasses and mitigate global warming. As Ronald Brownstein remarked recently in the *Los Angeles Times*, "[McCain] has become the most hyphenated name in Washington."

Given the near hopelessness with which most Democrats view their 2004 prospects, it's pretty easy, if you're a Democrat, to make the case that McCain should switch parties outright to pursue the Democratic nomination. The difficult part is imagining McCain making the switch. He is, after all, a lifelong Republi-

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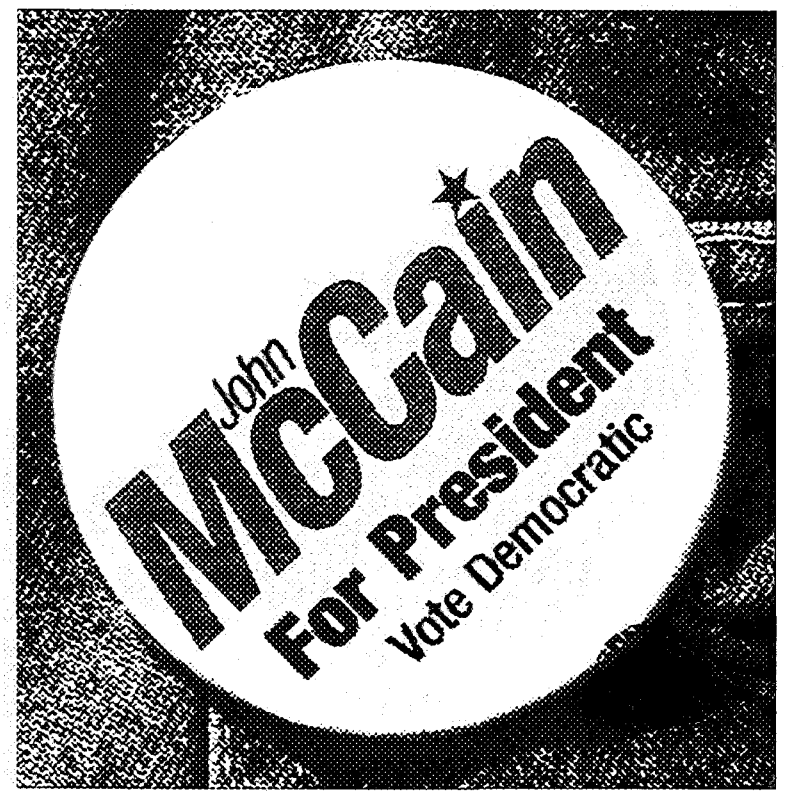
can. It's not clear that he wants to run for president again. And it's assumed that if he does, it will be as a Republican or, more likely, as an independent. McCain has said that he won't leave his party sufficiently often that one feels compelled to take him at his word. But his rationale—that he's a Teddy Roosevelt Republican—has remained fixed, even while he's gravitated toward moderate Democratic beliefs. His protestations are beginning to ring hollow. He is keenly aware that the GOP is no longer the party of Roosevelt. That an unfailingly pro-business president embodies the party's moderate wing only underscores the GOP's drift to the right; there is no room in its ranks for a maverick like McCain. At the same time, McCain has made a dramatic shift leftward. As his vote against the Bush tax cut showed, he is no longer in any meaningful sense a contemporary Republican. It's time he recognized this and that Democrats exploited it. Because if McCain truly desires to be president, his best chance of winning may be to run as a Democrat.

Animosity to Curiosity

John McCain's alienation from the Republican Party and disdain—happily reciprocated—for President Bush have been well documented. Observers caught a rare public glimpse of this recently when Bush grudgingly signed the campaign finance reform bill without a ceremony or even a courtesy phone call to McCain. (The White House mailed him a pen from the bill signing.) As practically the Democrats' only legislative collaborator, McCain has less and less in common with his Republican colleagues. He counts few friends among the caucus. He hasn't attended the party's policy retreat in years. And he's generally loathed by conservatives. If he sees fit to run as a Democrat, and really wants to stick it to Bush, there's little to make him stay put.

Like Sen. James Jeffords (I-Vt.), who became an independent, McCain considered leaving the Republican Party last May. Though it received little attention at the time, the political director for his 2000 presidential campaign, John Weaver, switched parties earlier this year. Right now, McCain's aides seem more eager than the senator does at the prospect of another presidential run, and that's likely true of a run for the Democratic nomination as well. But if McCain can't yet envision such a scenario for himself, says a top adviser, "that's why he has people like us around."

Besides his evolving politics and the satisfaction that would come with delivering the ultimate rebuke to Bush, there are plenty of tactical reasons for McCain to consider a switch. The backing of a party organization helps any candidate hoping to knock off a popular incumbent. Independent candidacies are notoriously difficult: Roosevelt left the Republican Party to run as an independent—and lost. In fact, no independent candidate has won a national election in at least 180 years. Those who choose to run anyway often do so merely to raise their stature or highlight their agenda. McCain has already accomplished both. "He raised his profile during the 2000 race, and, as campaign finance reform showed, he continues to influence the president's agenda," says Weaver. In other words, if he runs, he'll run to win. Running as a Democrat would likely winnow the field from three candidates to two. Several pollsters told me informally—none had yet polled the issue—that a three-way race between Bush, Gore, and McCain would probably put McCain in second place after Bush. But narrow the field to just Bush and McCain and that changes. "McCain on the



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ballot as a Democrat could be a very, very intriguing proposition because of what he brings to the party," says John Zogby, the independent pollster. "His popularity among the growing number of independents is higher than anybody else's out there. Add to that the fact that his numbers among Democrats are very good—better, in fact, than Daschle and Lieberman do among Democrats."

To be fair, current polls are mainly a name-recognition game, which partly explains McCain's prominence against Democratic candidates. But were he indeed to run against Bush as a Democrat, McCain would solidify and expand his Democratic support, and possibly add to his support among independents. If, as expected, the president's approval rating returns to earth, Bush would find himself in a tenuous position: In a general election, McCain could expect to win most of the Democratic vote and most independent and swing voters as well, leaving Bush with only his conservative base.

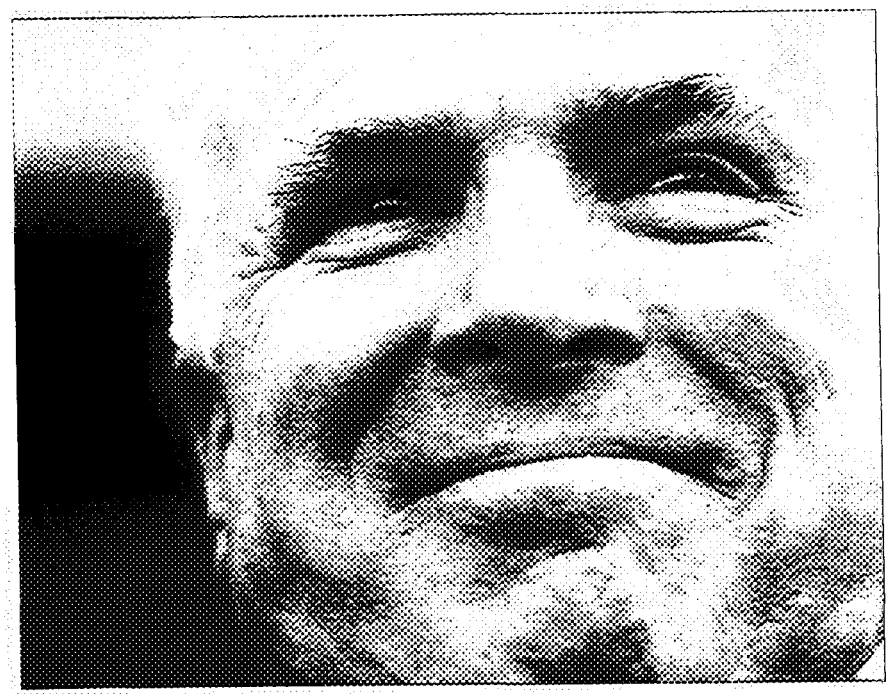
While the likelihood of such a run is slim, even advisers who dismiss the scenario do so with an important proviso. "If you ask me, there's a 99-percent chance it won't happen," says Marshall Wittman, a McCain adviser and director of the Project for Conservative Reform. "But that said, I'd support John McCain if he ran on the Socialist-Marxist ticket." Such loyalty, even among many committed Republicans like Wittman, is characteristic of McCain's allure.

The prospect of a McCain switch seems a surprisingly popular topic of discussion among Democrats. In my conversations with party leaders and activists, from the most moderate to the most liberal, an interesting pattern emerged. After citing their personal admiration for McCain and offering boilerplate ideological concerns, nearly everyone asked to speak off the record, and confessed to fantasizing about a switch, as if yielding to some forbidden indulgence. McCain's appeal to Democratic politicians as a legislative collaborator is not quite so secret. But the mounting concern among party insiders that Al Gore will try again has prompted some discreet political infidelity. "You don't know how many Democrats come up to me and say, 'I wish we could get [McCain] to run,'" says a top adviser to McCain. "Some of them are pretty prominent [figures]."

McCain Democrats

If McCain runs as a Democrat he'll face a series of primary hurdles. While Democratic primaries have traditionally required candidates to run a gauntlet of liberal interest groups, recent history and political circumstances have lessened the degree to which this is true.

Without question, a McCain run would test the limits of acceptable dissent from the Democratic interest groups—labor, African-Americans, trial lawyers, women—which traditionally hold sway over the primary system. McCain's biggest handicap is that he is, at least nominally, pro-life. It is not a subject on which he's outspoken or particularly passionate. ("Do people still think that?" quips a McCain adviser.) But to become a viable nominee, McCain might decide to change his position or at least modify his stance, as many Catholic politicians have done, by stating in no uncertain terms that, while he personally opposes abortion, he does not consider it to be a political issue. Changing one's position on choice isn't necessarily prohibitive; both Richard Gephardt and Al Gore were once more conservative on abortion.



McCain has a mixed-but-improving record with labor.

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Though he voted against Bush's tax cut, his general economic conservatism all but disqualifies him from earning official union support. But, as important to a Democratic candidate as the AFL-CIO's endorsement is, not all union members follow their leaders. "We were scared by McCain in 2000, frankly, when we heard that union members in some states were rushing to change their registration to vote [for McCain] in the Republican primary," says a senior union official. These workers "were moved by the image being projected of the freewheeling, tell-it-like-it-is, Straight Talk Express John McCain, and didn't know a thing about where he stood on critical issues." Coming from Arizona, McCain's pro-immigration views mesh with those of union leaders, who consider immigrants potential new members. Likewise, so do his endorsements of whistleblower protection and a patients' bill of rights, as well as his staunch resistance to a provision limiting unions' ability to donate to political campaigns (so-called "paycheck protection") in the campaign finance reform bill. "As a Republican, he's much better than you'd expect; as a Democrat, he has some work to do," says Skip Roberts, chief lobbyist for the Service Employees International Union.

Most party leaders and activists confessed to fantasizing about a McCain switch, as if yielding to some forbidden indulgence.

That's a fair assessment of McCain's rating among many of these groups. Though he doesn't support affirmative action, McCain had a belated conversion during the 2000 primaries to opposing official displays of the Confederate flag. Furthermore, Clinton's "mend it, don't end it" hedge on affirmative action has made it safer for other Democrats to stop short of full endorsement. While Gore would likely be the most attractive candidate to African Americans, McCain's military background would resonate with many black voters, who serve in disproportionately high numbers. And if, as seems likely, Al Sharpton pursues a long-shot candidacy, many of the African-American voters who support him will be siphoned from the other candidates, the net effect of which might help McCain. Realistically, how he might fare with black voters is an open question, since Arizona has a relatively small black community.

McCain couldn't fairly be described as an environmentalist, but he has fought to keep corporate polluters in check and endorsed higher CAFE standards for cars and SUVs—putting him to the *left* of Gore, who, as vice president, endorsed Clinton's reneging on a campaign promise to raise CAFE standards. His position on abortion doesn't endear him to women's groups, but his progressive approach to tobacco, gun control and a patients' bill of rights appeals to women generally. Perhaps more promising is that McCain's presidential run required him to delve into policy areas he'd previously ignored, such as healthcare, education, and the environment. More often than not, this consideration led him to adopt positions on the political center or center-left. "On the campaign trail and in the Senate, McCain was one of the few Republicans to make a forceful, centrist case for saving Social Security and cutting taxes to help the middle class, not just the wealthy," says Bruce Reed, president of the centrist Democratic Leadership Council.

Since the campaign, McCain has adopted a similarly moderate-left stance on the patients' bill of rights. He is also as good as any mainstream Democrat on issues like gun control and fighting tobacco, and better than most at battling corporate excess, which would even appeal to liberals and Naderites.

McCain's strength on national security could also be an advantage in Democratic primaries. Since September 11, even liberals have become more hawkish and desire a leader with command of the issue.

Even so, McCain's relative conservatism would surely conflict with the core beliefs and ideology of some liberals. But it's doubtful that they could stop his candidacy. "It's a big myth that the Democratic primary system is rigged for a liberal," says Democratic consultant Paul Begala, citing Clinton's win as a New Democrat. In fact, a recent NBC News/*Wall Street Journal* poll revealed the startling fact that 53 percent of Democrats held a "favorable" view of McCain; only three percent were "unfavorable." What's more, 55 percent of liberals hold a favorable view of McCain's ideology, versus just five percent who dislike it. Besides, in a contentious primary, McCain holds a trump card. More than anyone else, he's excelled at the one issue that unites everyone in the Democratic base: opposing Bush. "The Democratic base is *begging* for a leader to emerge, someone who is willing to consistently

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stand up and fight," says Ralph Neas, the president of the liberal organization People for the American Way. After four years of Bush, and faced with the prospect of four more, this "angry Democrat" contingent could be the deciding factor—the "soccer moms" of the 2004 Democratic primaries.

Gary Hart's Ghost

The other noteworthy obstacle presumably facing McCain is the revamped 2004 calendar. After the 2000 campaign, the Democratic National Committee decided to keep pace with the Republican schedule by doing away with the five-week primary blackout that traditionally followed the Iowa and New Hampshire contests, thus allowing states to vote as early as one week later. Several states have long desired such latitude in order to ensure that the nomination won't already be sewn up before their residents vote. Already, at least six have moved up or appear likely to do so: South Carolina, Michigan, Arizona, Wisconsin, Delaware, and Washington.

Political consultants generally agree that the practical effect of this new arrangement favors the Democratic frontrunner. In order to prevail in the early flurry of primaries, this reasoning goes, a candidate must be able to run in seven or eight simultaneously, which requires the kind of money, organization, and name recognition that few challengers can muster. Part of the rationale for these changes was to settle the Democratic nomination early on and begin the general election campaign as soon as possible. Should Gore decide to run again, it's likely that the new calendar would indeed benefit him, if only because the shortened season will force interest groups to endorse candidates early, which tends to favor a known commodity like Gore.

But the front-loaded primary system also carries new risks that McCain's Democratic supporters would be wise to point out to him. With the race likely to be determined in the opening weeks, there no longer exists a margin for error. If the establishment choice falters, as Walter Mondale did against Gary Hart in 1984, nowadays he won't have time to recover; he'll either win fast or lose fast. This creates the real possibility that a maverick could steal the nomination, much as McCain almost did from Bush in 2000. "[The new calendar] makes the possibility of a candidacy like Gary Hart's much more plausible," says Tad Devine, one of Gore's political strategists in 2000. "It makes someone running against the establishment and the status quo, someone who has an independent-minded message, much more viable in the Democratic primary process." Paul Begala goes a step further: "If Hart had the calendar that these guys are proposing now, he would have beaten Mondale."

Most Democrats would welcome McCain as a conquering hero; independents wouldn't much care about party; and the excitement he brings, absent the party today, would foster a Democratic renewal.

The second trend in Democratic primaries—one that clearly benefits McCain—is the move over the last decade or so toward opening state primaries to independents, as New Hampshire does. Especially in the South and in parts of the West, state parties that once limited participation to registered Democrats have begun admitting independent and unaffiliated voters. The idea is to bring the fast-growing bloc of independents into the tent, getting them emotionally invested in the party's primary in the hope that this will carry over to the fall election. States like Massachusetts, New Jersey, North Carolina, and Maine have already done so; others like South Carolina, Wisconsin, and Montana don't require voter registration, which imparts the same dynamic.

The effect of this on a candidate like McCain who already draws powerful independent support could be considerable, particularly given the probable political scenario in 2004. Because Bush is so strong, he is unlikely to face a serious challenger from within his own party. In open-primary states, independents will naturally gravitate to the Democratic primary. Consider the effect that will have: About 100,000 independents voted in New Hampshire's Democratic and Republican primaries in 2000, roughly one-third in the Gore-Bradley race, two-thirds in McCain-Bush. Without a Republican contest, most of those 100,000 independents would likely turn out to vote in the Democratic race, all but cinching it for McCain.

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In a hypothetical run through the 2004 primaries, going by just these criteria, McCain fares extremely well. He'd probably lose Iowa, but the rest of the short calendar is a pure plus for him. He'd win the open primaries in New Hampshire and South Carolina a week later and, with the new cluster of front-loaded primaries, face a quick succession of open-primary states: Michigan, Wisconsin, Arizona. A series of early wins could easily set off a domino effect, giving McCain tremendous—possibly unstoppable—momentum through the decisive early challenges.

Political Fantasy Football

All of this hinges on McCain's ability to switch parties with his credibility intact. Short of that, the rest amounts to political fantasy football. Candidates in the past have successfully switched parties at the congressional level (Phil Gramm, Richard Shelby, Billy Tauzin) and at the local level (Michael Bloomberg), but never before at the presidential level. But if anyone could be expected to survive such a move it's McCain. "He inspires a loyalty that transcends party identity," says Zogby. Moreover, the factors that make him so popular—force of personality, "straight talk," a message of reform—also transcend party and political ideology, which is why he's been able to evolve and change his positions while gaining popularity. John McCain's principal appeal is that he's John McCain.

To be sure, from the moment he switched he would be mercilessly attacked by Republicans, who would howl, at levels normally reserved for Clinton, that such political apostasy was driven by opportunism. No doubt some would listen. But McCain long ago alienated himself from the right and no longer requires its forbearance. Given the appropriate words and circumstances—given "straight talk" about his rationale—McCain would discover a surprisingly receptive constituency. Most Democrats would welcome him as a conquering hero; swing voters and independents wouldn't much care about party; and the excitement and attention that McCain brings, absent the party today, would foster a Democratic renewal.

The other crowd that might be expected to hammer away at McCain for callous ambition is political reporters and pundits. But if you believe the statistics, they're centrist Democrats. They certainly swooned over McCain in 2000! In truth, the press would love nothing better. What little ideology burdens them would be dwarfed by journalists' professional interest in seeing McCain get the Democratic nod: A McCain-Bush race in 2004 would be the ultimate political horserace.

For McCain, it would also be the ultimate gamble, an all-or-nothing roll of the dice to determine the last chapter of his political career. He has already faced a recall petition in Arizona, which leans Republican. If he tries and fails, his life in politics will likely be over. But there's an excellent chance he'd win. Even the formidable task of announcing his switch plays to his strength. Properly deployed, McCain's principal attraction—authenticity—could convince millions to follow him, just as it did in 2000. All it would take is one good speech, the ultimate straight talk with America. You can almost hear him:

> *"For nearly all of my adult life, I have proudly served my country—in uniform and in Congress. It is a great privilege, and I have tried to honor it by asking myself, at every stage: Am I doing the most I can, in the best way that I can, to advance the interests of my country? For 20 years, as a member of the Republican Party, I believed that the answer was yes.*
>
> *From Abraham Lincoln to Teddy Roosevelt, the Republican Party has stood for American greatness at home and abroad—for freedom, honest government, and patriotism above self-interest. I have stood with my party, even when I disagreed with its leadership, because of my belief in these ideals.*
>
> *But to my profound regret, this Republican White House and the Republican leadership in Congress have abandoned these ideals. They have succumbed to corporate lobbyists and agents of intolerance. They have used the powers of office to protect the special interests, instead of the national interest; to provide pork for defense contractors, instead of weapons for our fighting men and women; to extend privileges to a few, instead of opportunity to all.*
>
> *I have come to the conclusion that I can no longer best serve my country as a member of the Republican Party. Despite my differences with some Democrats over the years, the Democratic Party is now the standard-bearer of reform. The party that claims that standard may have changed, but not my duty to carry it. Today, America needs a leader who is a force for reform, not a leader who chooses reform only when forced. That is why I stand before you to declare my intention to pursue the Democratic Party's nomination for president..."* ●

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Borderline Insanity

President Bush wants the INS to stop granting visas to terrorists. The biggest obstacle? His own administration.

BY NICHOLAS CONFESSORE

EXACTLY SIX MONTHS AFTER MOHAMMED Atta and Marwan Al-Shehhi had flown planes into the World Trade Center, letters from the Immigration and Naturalization Service (INS) arrived at a Florida flight school informing these two late—very late—students that their visas had been approved. The incident seemed to capture perfectly the unfathomable ineptitude of an agency long unable to control illegal immigration but now supposed to be the front line of the domestic war on terrorism.

Among those most furious was President George W. Bush. "I was stunned and not happy," the president told reporters at a press conference. "I could barely get my coffee down." Within days, Bush's anger cascaded down through the federal bureaucracy. Attorney General John Ashcroft blasted "professional incompetence" for the "disturbing failure." INS commissioner James Ziglar called it an "inexcusable blunder" and promptly reassigned four top INS officials to "begin the process of accountability." And the Department of Justice Inspector General promised to report exactly what had happened. But why wait? Insiders already know what happened, and the president ought to hear the truth right away, though probably not while he's sipping hot coffee.

The good news for Bush—who loves nothing more than to blame Bill Clinton for everything—is that at least half the responsibility for the screw-up lies with the previous administration. In the mid 1990s, the Clinton administration initiated, then let die, a revolutionary computer visa system that could have prevented Atta and Al-Shehhi from getting their student visas, and might even have uncovered their conspiracy before September 11 came to pass. The bad news for Bush (and the rest of us) is that some of the people most responsible for killing the computer system are now running the INS—put there by none other than George W. Bush. And since September 11, these officials have been operating below the media radar to make sure that a broken immigration-security system stays broken.

Why would members of the Bush administration want to do such a thing, given the president's firm commitment to fight terrorism? Because of the president's other firm commitment to courting Hispanic voters. Key Bush officials know that an effective system of tracking immigrants is the last thing Hispanic and other immigration lobbyists want to see. Indeed, a fundamental tension operates within the Bush administration itself, and the GOP generally, between national-security conservatives, who want a strong INS capable of keeping terrorists out, and libertarian conservatives, who want a weak INS incapable of stopping the free flow of labor. It's no exaggeration to say that the future security of the country may depend upon which side wins.

The University Lobby

Student tracking has been on the drawing board since 1993, when a Palestinian immigrant named Eyad Ismoil drove a truck filled with explosives into the World Trade Center's underground parking garage. Ismoil had entered the United States on a student visa in 1989 and attended Wichita State University for three semesters before dropping out to live and work—illegally—in Texas for the next two years. When the details of Ismoil's history emerged in 1994, the Department of Justice put together an inter-agency task force to take a hard look at the foreign-student visa program.

Led by an INS official named Maurice Berez, the task force quickly discovered gaping holes. Foreign students,

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Berez wrote in its December 1995 final report, are "not subject to continuing scrutiny, tracking or monitoring when they depart, drop out, transfer, interrupt their education, violate status, or otherwise violate the law." To fix the problems, Berez and his colleagues envisioned a transformed student tracking system that would collect far more information than the old paper forms and filter that information automatically through numerous law enforcement databases, such as the FBI's terrorist-lookout lists. Detailed data on the "funding source" for an applicant's tuition, for instance, would be checked against the Treasury Department's money-laundering database. Sophisticated software would flag potential fraud and, where necessary, bump up the records for further analysis.

National security conservatives want a strong INS capable of keeping out terrorists. Libertarian conservatives want a weak INS incapable of stopping the free flow of labor.

Applicants who passed the computer check would be issued a machine-readable "smart card," which would encode all the collected information, incorporate a so-called "biometric identifier" like a digital fingerprint, and serve as a tamper-proof visa. Updates on a student's educational status—like whether or not he or she had shown up for classes—would be collected automatically via computer, instead of manually via paper forms. Not only would the new system cut down on fraud—such as the use of endlessly renewable student visas as de facto green cards—but it would make it extremely difficult for would-be terrorists like Ismoil to use the student-visa system as a cover.

Largely due to Berez, the task force had been an unusually collaborative effort, involving the INS, the Departments of State and Education, nearly every federal law enforcement agency, and several highly regarded university officials. As a result, the proposal enjoyed a remarkably broad consensus. Congress put its stamp of approval on the program in 1996, mandating its launch as part of the Illegal Immigration and Immigrant Responsibility Act of that year. Two weeks after the bill's passage, INS Commissioner Doris Meissner signed off on the full proposal, known as the Coordinated Interagency Partnership Regulating International Students (CIPRIS).

But in Washington, even the most crucial, commonsense reforms have enemies—often little-known groups that feel threatened by the change. In this case, it was the professionals at colleges and universities who advise foreign students. These folks, believe it or not, have their own lobbying group: the National Association of Foreign Student Advisers. When NAFSA officials in Washington found out about the computer system, they sprang into action. Officially, the group claimed that such surveillance would be a slap in the face for foreign students. Unofficially, they worried that a system that clamped down on fraudulent or dubious student-visa applications could mean fewer foreign students, and hence perhaps fewer jobs for foreign-student advisers.

This cynical view was not necessarily shared by the 8,000 rank-and-file advisers working on America's campuses. But part of the game lobbyists play is hyping the threat of federal action to their members—the better to justify their salary, too. So, in late 1997, as the INS prepared to launch a pilot version of the computer system at 21 colleges around the Southeast, NAFSA President Gary Althen attacked the program for imposing "unnecessary obstacles" and "burdensome requirements" on foreign students and predicted a "system breakdown."

But Berez was smart. His task force had included prominent NAFSA members, and, as the pilot program progressed, he solicited constant feedback from school officials to make sure the new computer system's design would reflect the views of those who would be using it. So, contrary to Althen's prediction, the pilot program was a dramatic technical success. Field tests performed in 1999 indicated that the system could begin to expand almost immediately—to incorporate other schools, install terminals in consular offices around the world, and begin connecting the system to the law-enforcement databases. "It would have been finished maybe a year ago," says Tom Fischer, who until 1999 headed the INS office in Atlanta from which the pilot project was run.

Schools in the pilot program agreed. "We love it," says Catheryn Cotten, a NAFSA member and director of the foreign-student office at Duke University, which, like all the schools in the pilot program, still uses the system's prototype. Cotten credits Berez as the driving force behind the project. "He made some people in the [INS] uncomfortable, because he doesn't 'do it like we've always done it, do it like the government ought to do it'—whatever those terms mean," says Cotten. "He's a visionary,

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which is rare in a bureaucrat. He understood the big picture. But he also knew to talk to people on the ground who did this every day. He was really creating a package that would serve a lot of purposes, including ours, in the easiest and most efficient way."

Flummoxed by the computer's success, the NAFSA lobbyists soon resorted to a new strategy: get Berez removed. NAFSA's new executive director Marlene Johnson was personal friends with INS policy chief Robert Bach. Bach, in turn, was the power behind the throne of the agency's commissioner Doris Meissner, with whom top NAFSA officials met privately in the fall of 1998 to discuss their concerns, according to Tom Fischer, the former INS official. A few weeks later, Meissner, Bach, and INS chief of staff Peter "Mike" Becraft abruptly removed Berez as program director. Later, Berez was exiled completely from the project—and, apparently, forbidden to speak with reporters. When I called him, he referred me to the agency's public affairs office, which did not respond to repeated requests for interviews with Berez and Becraft. Neither Bach, now at the Ford Foundation, nor Meissner, now at the Carnegie Endowment for International Peace, returned repeated calls. NAFSA's government affairs director, Victor Johnson, says he doesn't "recall" the meeting with Meissner, and that NAFSA "as an association" was never involved in efforts to get Berez bounced.

Whatever the extent of its involvement, having Berez out was a big plus for NAFSA. The next step was to find an excuse to delay the system from being rolled out nationally. They found that excuse in one-time fees of $95, which the law required foreign students to pay when applying for a visa. Universities would forward those fees to the INS and they would be earmarked to pay for the computer system. Delaying or killing the fee, the lobbyists reasoned, would delay or kill the computer system.

Ideological Soulmates

For help, they turned to an ideological soulmate: Stuart Anderson, an influential Senate aide and confirmed opponent of computerized visa tracking. Anderson represents a certain type of Washington player: the ideologically committed intellectual who spends years honing his ideas and playing politics from outside government, then finds himself with a powerful job on

Who's Who

By Susan Threadgill

They may talk tough, but when it comes to a fight, it appears that Rep. **Tom DeLay** (R-Texas) and Sen. **Trent Lott** (R-Miss.) would rather turn tail and run. When CNN's "Crossfire," newly fortified with liberals **Paul Begala** and **James Carville**, re-launched in April, conservatives caused a stir by trying to encourage a GOP boycott of the show—prompted, insiders say, by DeLay and Lott.

Bruce Reed, the former **Clinton** adviser who's now president of the Democratic Leadership Council, drew the ire of Major League Baseball by penning a recent op-ed in *USA Today*, which questioned the league's purported financial difficulty and included this line: "If **George W. Bush** wants to become **Teddy Roosevelt**, baseball is the trust to start busting." That probably didn't sit well with baseball commissioner **Bud Selig**, whose ouster Reed proposed in a version of the piece which ran in the DLC's magazine, *Blueprint*. It certainly provoked Baltimore Orioles owner and heavyweight Democratic contributor **Peter Angelos**, who sent the newspaper an intemperate response, pointing out that the commissioner's Blue Ribbon Panel members—former Sen. **George Mitchell** (R-Maine), former Fed chair **Paul Volcker**, **Richard Levin**, and columnist **George Will**—studied and supported baseball's economics. Angelos did not appear to support any of Reed's reforms, several of them quite provocative, including Reed's generous offer to fill the commissioner's job, in the event that Selig steps down, until 2004 when baseball's next commissioner can assume the seat: **George W. Bush**.

It appears that confessed spy **Robert Hanssen** was not only feeding the Russian war-machine abroad, but the conservative war-machine at home. A 13-month probe of security vulnerabilities and violations at the FBI and CIA, ordered by FBI Director **Louis Freeh** and headed by former CIA and FBI Director **William H. Webster**, revealed that on more than 20 occasions, Hanssen performed computer database searches for confidential information regarding **Hillary Clinton** and **Chelsea Clinton**.

It is unclear exactly where the fruits of Hanssen's labor landed,

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the inside. In the mid-1990s, Anderson had been an immigration specialist at the Cato Institute, a libertarian think tank. At that time, most Republicans were going through a Pat-Buchanan-inspired nativist phase and were pushing legislation to massively restrict immigration. To his credit, Stuart Anderson was one of the few on the right who defended generous access. He also was part of a broader left-right coalition of business lobbies, immigration lawyers, liberal ethnic activists, and civil liberties organizations working against such legislation.

The coalition succeeded in stopping the immigration cuts. But other things they hated became law. One was the student -tracking computer system. Another was a broader "entry/exit" system to track all visa-holders when they entered and exited the United States. (In essence, a kind of inventory control for visa-holders that would notify law-enforcement officials when visitors overstayed their visas—as several of the September 11 terrorists did.)

As an ideological libertarian, Anderson despised the very idea of computerized documentation and visa-tracking. In research papers and op-eds, he had decried such systems as tools of a police state. "No one knows which is worse," he wrote in a May 1995 op-ed in *The Hill* about plans for national IDs, "a government computer that is 27 percent inaccurate, or one that contains accurate information on each and every American."

In 1997, Anderson left Cato to be immigration policy director for Sen. Spencer Abraham, a rare pro-immigration Republican who had won the chairmanship of the Senate's immigration subcommittee. From his perch at the subcommittee, Anderson quarterbacked a counter-offensive against the computer-documentation and visa-tracking provisions that had passed the previous year. When NAFSA and several other education associations protested the $95 as "an unreasonable barrier to foreign students" and challenged the requirement that schools collect it (which had been on the books for three years), Anderson got busy. He orchestrated a group of 21 senators, led by Abraham, to urge Meissner to delay further implementation of the student-tracking system until the fee system could be worked out. They succeeded, and the student-tracking program languished until 2000.

Meanwhile, the new computer system's internal opponents moved to finish it off for good. First, they

but a good guess might be the syndicated columns of **Robert Novak**. Last July, Novak admitted to using Hanssen as his primary source in a 1997 column accusing Attorney General **Janet Reno** and the Justice Department of covering up campaign scandals. Might the two have discussed more than just the former attorney general? Novak's columns on "Filegate" and other Clinton scandals—an enthusiasm apparently shared by Hanssen—suggest that he might have. (Novak denies this.) That's not all the pair have in common. Both are reputedly members of the ultraconservative lay Catholic order, Opus Dei.

The Washington Post's **David Broder** recently paid a visit to **Mel Martinez**, President Bush's Secretary of the Department of Housing and Urban Development, and discovered ... well, that Martinez isn't doing much. Perhaps this shouldn't be surprising. Republicans' general distaste for social programs often leads to HUD neglect. Remember the late **Samuel Pierce**, **Ronald Reagan**'s HUD secretary, whose tenure resulted in the criminal convictions of an astonishing 16 former HUD officials? The department got a break under **Bill Clinton**, whose secretary, **Henry Cisneros**, was uniquely qualified, having served as mayor of a large city and holding Harvard degrees in urban design, architecture, and planning. Sadly, HUD once again seems to be a turkey farm for political friends. Martinez has precious little housing experience (or applicable education—he's a lawyer), having spent just two years as head of the Orlando Housing Authority in the early 1980s after a former law partner tapped him for the job. Many consider Martinez payback for Bush's electoral victory in Florida, where he chaired Florida's GOP presidential effort during the 2000 election.

Ever wish you could put the entire gaggle of right-wing pundits and politicos on a ship and send them packing to a distant land? Conservative eminence **William Buckley, Jr.**'s *National Review* has done it for you! Buckley is sponsoring a "Post-Election Mexico Cruise" featuring the likes of **Ken Starr**, **Tom DeLay**, **Dan Quayle**, **Arthur Laffer**, and more! The ship will set sail from San Diego on Nov. 16, stopping at various ports of call. But it won't exactly feature Royal Caribbean-style fun and excitement. Instead of conga lines and shuffleboard, guests will be treated to Mass in the morning and a series of "Seminars & Smokers" in the afternoons. While Quayle has always had an air of "cabana boy" about him, we're pretty sure the spectacle of **Milton Friedman** in Bermuda shorts would prompt even the staunchest conservatives to jump ship.

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broke it down into modules, each slated for gradual development (a totally unnecessary step, considering the thing worked). Second, they abandoned the very elements that made it effective against terrorists. Unlike its prototype, the new system—renamed SEVIS, for Student and Exchange Visitor Information System—would not collect nearly as much information nor cross-reference it with other government databases. Nor would students receive biometric visa cards. In fact, the new initiative amounted to little more than entering the old student-visa forms onto a computer—information, Fischer told *The Washington Post*, "you can get off the phone book."

If anything, the election of George W. Bush made things worse. As governor of Texas, Bush had positioned himself as an ally of immigration advocacy groups and a friend of open borders. Karl Rove, Bush's top adviser and by all accounts the final authority on immigration issues within the administration, was obsessed with moving Hispanic voters nationally into the GOP column. Moreover, Abraham had joined Bush's cabinet as secretary of energy. Abraham's legislative director, Caesar Conda—who had been instrumental in shepherding an expansion of H1-B visas through Congress—became Dick Cheney's chief domestic policy advisor. Although Bush had spoken vaguely of INS restructuring during the 2000 campaign, the only immigration-related reform pursued with any vigor during his first year was in essence a massive pander to the Hispanic vote: a proposed amnesty to some of the 3 million Mexicans living and working in the United States illegally.

And when the time came to fill vacancies at the INS during the summer of 2001, the Bush Administration dealt student tracking a few more body blows. James Ziglar, a self-proclaimed libertarian with no immigration expertise, replaced Meissner. And the power-behind-the-throne job of INS policy director went to none other than Stuart Anderson. Close to conservatives in Congress, the darling of Bush's energy secretary, and popular among immigration activists, Anderson was no doubt an easy sell. But he had also done more than perhaps anyone else to strangle student tracking in its crib.

"The best analogy I can draw about Stuart Anderson is something that an INS agent said to me: If you were going to hire someone to run the DEA, you wouldn't pick somebody who favors legalizing drugs," says a top Republican aide on the Hill. "And by putting Stuart Anderson in a ranking position in the INS, you've essentially done the same thing—you've got somebody who favors open borders running the agency that regulates the borders."

Profitable Ambiguities

Would a student tracking system have prevented September 11? Had the full CIPRIS system been even partially deployed, along with the entry/exit system that Anderson and his allies helped delay in 1998, the terrorists' sojourn in the United States might have ended much sooner. Hani Hanjour, who piloted the plane that hit the Pentagon, had enrolled in a community college in California in November 2000 but never showed up for class; CIPRIS would have alerted the INS to his absence almost a year before the attacks.

Similarly, Mohammed Atta's original student visa application would not have languished in a warehouse in Kentucky for six months. Instead, it would have filtered through the FBI, CIA, National Security Agency, and Treasury Department databases, which might have thrown up any number of flags—Atta's trip to Afghanistan in 1999, for instance, or the Al-Qaeda source of his flight-school tuition. Even had Atta been cleared, his busy travel schedule—unusual for a full-time student—over the next year might have drawn notice. When Atta re-entered the United States "out of status" (that is, with an expired visa) in January 2001, the INS inspector who released him after a few questions might instead have sent him back to Madrid. And though Atta was not initially on the State Department's terrorist watch list when he first applied for his visa, CIPRIS's real-time updating would have instantly alerted law enforcement officials as soon as he was added the following year.

"The question isn't whether it can stop one guy," says Mark Krikorian, director of the Center for Immigration Studies, a think tank that advocates tighter immigration controls. "The question is whether it can interfere with large conspiracies"—that is, preventing terrorists not only from entering the country, but also from operating unnoticed upon for long periods of time. "I'm not saying CIPRIS would have stopped September 11," says Tom Fischer, the former INS official who oversaw the system's development in Atlanta. "But it would have raised a lot of flags. It would have scrutinized the process much better."

Which is exactly what the higher-education lobbyists who killed CIPRIS don't want. Technically, student visas are issued by the State Department, which is relatively miserly, particularly toward applicants from Middle Eastern countries. But many applicants get around State by entering the U.S. on tourist visas and then applying at local INS offices—which are typically much less strict—to have their status "adjudicated" upwards. By removing the human element and imposing a strict, uniform standard on all applicants, CIPRIS would have eliminated the loophole, potentially clamping down on the number of foreigners eligible for study in the United States.

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But the problem goes beyond tracking students. Keeping terrorists out requires ridding the visa system and border regime of loopholes and gray areas, but immigration groups have a vested interest in just such profitable ambiguities. Immigration lawyers, for instance, "are allergic to clarity," says Paul Donnelly, who worked on the U.S. Commission on Immigration Reform in the early 1990s. A system that made it "clear when someone was here legally—and thus directly entitled to permanent residency and to citizenship—would also mean that it would be clear when someone was here illegally, and thus ought to leave." That meant less work for immigration lawyers, and potentially less wiggle room for businesses looking to hire aliens.

Indeed, while none of the failed reforms—including student visa tracking—required cuts in immigration, all of them would have made it easier to *enforce* cuts in immigration. Hence, lobbyists and activists committed to the otherwise-worthy goal of allowing in significant numbers of immigrants prefer a dysfunctional border regime to an orderly one. "Those constituency groups just weren't interested in deterring and keeping people out," says a former Justice official. "They would never say it publicly, but they weren't necessarily bothered by the lack of efficiency."

Tweaking the Dud

You'd think that the events of September 11 would have forced the enemies of student-visa tracking to rethink their positions—if not to beg the Lord for forgiveness. But though NAFSA has publicly abandoned its opposition, higher education and other lobbyists, and their libertarian Bush allies, have quietly but persistently tried to undermine the efforts of national security types in the administration and on Capitol Hill. For instance, when Reps. James Sensenbrenner and George Gekas were crafting a strong border-security bill in December, White House lobbyists tried (unsuccessfully) to eliminate certain key provisions, such as tamper-proof biometric visas. When the bill passed anyway and came up in the Senate, insiders on the Hill say that the White House at first tried to get a prominent Republican senator to put a hold on the bill (none would). Then, in April, it ordered Republican leaders in the House to bring up Sensenbrenner's bill for a *second* vote—this time with an amendment granting amnesty to hundreds of thousands of illegal (mostly Mexican) immigrants. Karl Rove desperately wanted the amnesty measure passed before Bush met Mexican President Vicente Fox. He knew it couldn't pass as freestanding legislation, but might if attached to an immigration-security bill. The fact that this maneuver put the security bill at risk (it passed the second time in the end by one vote) gives you some idea of priorities in the Bush White House.

There are exceptions. Office of Homeland Security Director Tom Ridge is taking immigration security seriously, setting up, among other things, a student-visa working group much like Berez's original task force. But instead of resurrecting the strong system Berez's group came up with, Ridge's group is focused on tweaking SEVIS, the greatly-dumbed-down version. The group might have been thrown off the scent by their liaison at the INS, Peter Becraft—one of the officials who helped derail Berez and his system in the first place. Bush promoted Becraft to deputy INS commissioner after September 11.

Meanwhile, Anderson, as INS policy director, will be responsible for finding ways to implement almost everything else in the Sensenbrenner bill—including provisions like the entry/exit system that he's been lobbying against and has publicly described as "Gestapo tactics." Or not implement them: "For every law enforcement person we talk to—INS, Border Patrol, you name it—Stuart Anderson is sort of at the top of their list," says a Republican staffer in the House. "It's generally their opinion that he's doing everything he can to divert resources away from the enforcement side [of the INS]."

Instead of being disciplined for their efforts to kill the student-tracking system, Anderson and Becraft have actually been rewarded. After the big screwup with the flight school letters became public in March, INS commissioner Ziglar reassigned four top INS managers, even though they had nothing to do with causing the mess. Their reassignment gives Anderson and Becraft even more authority.

The lesson of the 1990s, says Fischer, is that it's not enough to simply pass legislation. The key is implementation—the myriad of staffing and funding decisions that affect whether a project like student tracking is successful. If the Bush Administration can't get the INS management behind student tracking, the program will wither on the vine just as it did under Clinton. And so, in all likelihood, will the whole spectrum of border-security reforms—the entry/exit system, the tamper-resistant visas—that must eventually pass through the INS. "What the INS is doing now," concludes Fischer, "is just smoke and mirrors."

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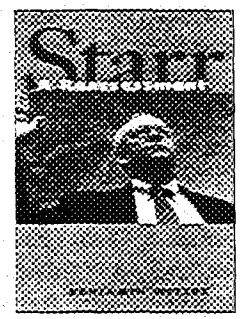
Starr's War

Ken Starr saw his job as truth commissioner. Everyone else still sees it as a disaster.

By Michael Isikoff

My most enduring image of Ken Starr was formed in the men's room outside his office on the afternoon of Jan. 15, 1998. I had just come from a tense meeting with his top staffers in which I confronted them with my discovery that they had launched a secret criminal probe into the relationship between the president and a certain former White House intern. Aghast at how many details I knew, they pleaded with me to hold off publication. In so doing, they implicitly gave me what I needed most: official confirmation that this investigation was, in fact, real. My heart pounding, I ducked into the bathroom and there discovered, much to my amazement, Starr, washing his hands. He turned toward me, smiled broadly and gave me a jovial greeting—"Mr. Isikoff, how nice to see you"—as though he didn't have a care in the world. The scene was surreal. Starr had just launched the most audacious federal law-enforcement operation in decades—a move that, I was sure even then, was about to throw the country into political turmoil. And yet, he seemed utterly oblivious to the enormous consequences of what he had just done.

That image of Starr—as an airy, good-natured prosecutorial blunderbuss—is powerfully reinforced by Benjamin Wittes's new book, *Starr: A Reassessment.* An editorial writer with *The Washington Post* who specializes in legal affairs, Wittes spent many hours interviewing Starr after he stepped down in 1999 from his five-year tenure as Whitewater independent counsel. Those interviews, combined with his own astute reading of the public record, have enabled Wittes to write a balanced and insightful analysis of how Starr conducted his operation—and why it went so disastrously awry. In Wittes's view, Starr was an accomplished lawyer and decent man who bizarrely misread the statute that authorized his appointment and fundamentally misunderstood his role as independent counsel.



STARR:
A Reassessment
by Benjamin Wittes
Yale University Press, $24.95

Instead of serving as a traditional prosecutor whose sole reason for being is to bring criminal cases that can hold up in court, Starr quite consciously turned his office into a sweeping "truth commission"—a la Bishop Desmond Tutu's in South Africa—that was determined to get to the bottom of every allegation of wrongdoing leveled against the Clinton presidency. Starr's flawed reading of the independent-counsel law proved a double curse: It caused him to roam far afield from his original mandate and allowed many inquiries to linger on long past the point where they could reasonably have hoped to bring any successful cases. All of this was made even worse by Starr's strange disconnect from the real world environment in which he was operating.

Wittes's portrait is all the more biting because he rejects the cartoonish caricatures and malicious partisan attacks on Starr's office spread by the Clinton White House and its allies. As Wittes makes clear, Starr was never a rabid political partisan. Indeed, top lawyers inside the Clinton White House cautiously welcomed his appointment to the post. None of the many allegations of ethical infractions leveled against his office were ever substantiated. Perhaps most disconcerting to Clinton

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defenders is Wittes's endorsement of the core Whitewater inquiry itself. When Starr, in May 1996, secured the felony convictions of Arkansas Gov. Jim Guy Tucker and Jim and Susan McDougal (longtime business partners of the Clintons in the Whitewater real estate venture), it was, writes Wittes, "a significant prosecutorial achievement that was entirely legitimate."

Wittes argues that if Starr had stopped there, he might have gone into the history books as a modestly successful prosecutor who honorably discharged his duties. And, to be fair, it wasn't quite so easy for him to stop. As is often the case in white-collar fraud investigations, after the trial, Jim McDougal agreed to cooperate and provided damaging new testimony against the Clintons. He backed up the story of David Hale, the operator of a federally backed small-business lending firm, that Clinton had pressured Hale to make a fraudulent $300,000 loan to an advertising company purportedly run by Susan McDougal. McDougal also alleged that, at a meeting with the then-Arkansas governor in 1984, the two of them concocted a scheme to route business to Hillary Clinton by placing her on a $2,000-per-month retainer. It was, as McDougal would later describe it, a way of making payments to Clinton "over the table."

Provocative stuff, to be sure. No matter how much Clinton's still-percolating defense machine tries to portray the entire Whitewater scandal as the fevered concoction of a Richard Mellon Scaife-funded right-wing conspiracy, the essential facts were difficult to dismiss—and inherently malodorous. McDougal, a convicted crook, was running a corrupt savings and loan that was regulated by Bill Clinton's appointees. At the same time, he was both covering the Clintons' debts in a floundering real estate investment firm and steering monthly payments to Clinton's wife, in part (as he later testified) because of the extra clout he figured she would carry with the state regulators appointed by her husband. The belated discovery inside the White House living quarters of Hillary Clinton's long-missing billing records—showing, among other things, that she had indeed undertaken crucial legal work on an questionable transaction that led to McDougal's undoing—only aroused further, and entirely reasonable, suspicions on the part of Starr and his team.

But even after Jim McDougal agreed to cooperate in that critical summer of 1996, there still wasn't enough for a criminal case against the Clintons. Both Hale and McDougal were convicted felons, and the documentary trail related to the sham $300,000 loan remained inconclusive. Starr's only hope of unraveling the contradictions—and resolving the question of the Clintons' culpability—was to hear from the only other witness with direct knowledge of the transactions in question, Susan McDougal.

In retrospect, it seems clear that Starr and his upright prosecutors were utterly clueless as to how loopy the whole enterprise was. Like many reporters, I had gotten to know Susan McDougal during the Whitewater trial. Each evening after court, usually clad in a provocative low-cut outfit, she would saunter into the bar of the Capitol Hotel and regale the lubricated press gang with hilarious stories about the McDougals' long-ago misadventures with the Clintons. (Most of these yarns, it should be noted, came at the expense of Hillary Clinton, whom McDougal clearly viewed as an uptight snob whose mere presence was an offense against merriment.) McDougal, like her eccentric ex-husband, was a delightful raconteur. But the idea of building a criminal case against a sitting president of the United States around her, or her ex, was always improbable, to say the least. It was also soon academic.

Much to the chagrin of Starr's team, Susan McDougal refused to cooperate at all. When Starr's men brought her before the grand jury and immunized her, she openly taunted them—and was hauled away to jail for contempt of court.

It is Wittes's argument that this is precisely where Starr lost his way. Faced with a stonewalling witness and an inconclusive record, Starr's chance of bringing any more criminal charges out of the Whitewater case pretty much evaporated. But instead of winding down, as most professional prosecutors would have done, Starr persisted—not because he had any reasonable hope of flipping Susan McDougal, but because he saw his mission in far broader terms. "I was absolutely determined to do everything that I could to get the truth about the core of this investigation," Starr told Wittes. In their many post-probe chats, Starr revealed something to Wittes that wasn't quite so clear at the time: that, under his reading of the now-expired independent counsel law, he believed he had a special obligation, not merely to prosecute, but to unravel the "truth" of the hopelessly tangled Whitewater mess.

Starr appears to have concluded that this broader mission had been imposed upon him because the admittedly poorly written—and frequently amended—independent counsel statute required him to issue a final report when his probe was finished. But Wittes pretty much demolishes that argument, showing, through a careful reading of the legislative histo-

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ry, that the reporting requirement was intended largely as a ministerial function—and not as a broad mandate for an independent counsel to reach sweeping conclusions about the underlying facts at hand. Indeed, the whole purpose of the law was to ensure that high-level public officials got the same treatment when under investigation as other citizens—not that they be subjected to some greater measure of scrutiny in order to achieve the higher and ultimately illusory goal of historical "truth."

Wittes's book quotes from interviews he conducted with the principal author of the law, Sen. Carl Levin, as well as an array of other independent counsels. All of them decisively rejected Starr's interpretation as an almost radical overreaching. "Starr's is a bad—almost a crazy bad—reading of the law," said John Barrett, a former deputy independent counsel and an expert on the statute. Even more stinging are the words of Starr's successor, Robert Ray. "I am not a congressional committee, nor am I a newspaper," Ray told Wittes. "I am a prosecutor. I turn a spotlight on to see if there are crimes to prosecute, and when I decide I don't have a case, I turn the spotlight off, because my tools are dangerous tools."

It was during the Monica Lewinsky investigation that Starr's truth crusade reached its zenith. However dubious the original, rushed decision to secretly tape Lewinsky on Jan. 13, 1998, Wittes argues—quite correctly, in my view—that the evidence gathered by Starr's office in the early weeks of the probe would have tempted most prosecutors. The ubiquitous Vernon Jordan—who had played a key role in lining up suspicious payments to another recalcitrant Whitewater witness, Webster Hubbell—had in fact arranged to get Lewinsky a job with the Revlon Company. He did so right after she received her subpoena to testify in the Jones case. Clinton's notorious monologue to presidential secretary Betty Currie ("I was never alone with Monica, right?" "Monica came on to me and I never touched her, right?") had all the earmarks of classic witness tampering. Wittes describes Clinton's behavior through the whole matter as "consistently venal."

But once negotiations to secure Lewinsky's cooperation collapsed in early February 1998—largely because of the buffoonish conduct of Lewinsky's then-lawyer, William Ginsberg—Starr found himself in the same situation he had faced with Susan McDougal: He had tantalizing evidence of felonious conduct, but without any reasonable hope of bringing a criminal case. Yet once again, Starr pushed forward, consumed by his notion that he had to learn "the truth" about the president's relationship with Lewinsky. In the process, he took on the dubious role of de facto impeachment investigator for the Republican-controlled House of Representatives. By the time Starr issued his report to the House—thick as it was with unpleasant sexual details—a large segment of the public had already come to see him as at least as big a villain as Clinton in the whole affair.

Even judging it on his own terms, as that of a truth commissioner rather than a prosecutor, Starr's tenure can only be judged a colossal failure. The only justification for his vision of his job was that it can clear up, one way or another, matters of public controversy involving high-level officials, thereby allowing the public to make its own judgments. But the final Whitewater report—four volumes, more than 2,000 pages—wasn't released until March 2002. Its bottom-line conclusions—that there was insufficient evidence to prove that the Clintons committed any crimes—could easily have been written at least five years earlier. Even granting Starr's strongest point—that much of the delay came from years of stalling tactics by the Clintons and their lawyers—the absurdity of the situation is inescapable.

An investigation into events that took place years before Bill Clinton assumed federal office wasn't completed until more than a year after he left it. The final cost to the U.S. government was $64 million—and incalculable damage to the body politic.

Starr probably believed that in talking to Wittes, an eminently fair-minded legal analyst, he would achieve some measure of understanding, if not vindication. But what emerges from this well-reasoned tome is how little Starr understands about where he went wrong. Wittes captures this most tellingly in a remarkable scene in which Starr, after he has resigned, gives a law-school lecture about the excesses of earlier independent counsels. He especially chastises a Reagan-era independent counsel, Whitney North Seymour, for his "monomaniacal" pursuit of former presidential aide Michael Deaver.

Seymour, it seems, had the audacity to upset diplomatic protocol by attempting to subpoena the Canadian ambassador—a move that Starr portrays as an encroachment on the foreign policy prerogatives of the president. Starr, Wittes concludes, may be the "only person in the United States still marveling at the recklessness of the Seymour investigation" when Starr's very name had become "shorthand in the common parlance for the monomaniacal pursuit of a president." That in his hours of interviews with Wittes, Starr barely saw the irony in all this is breathtaking—and further evidence of just how out of touch he always was. ❁

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100 Million Anonymous Fat Cats

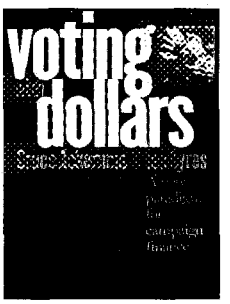
The next phase of campaign finance reform.

BY JONATHAN RAUCH

"THE SOVIET SYSTEM IS BASICALLY senseless," the Russian dissident Andrei Amalrik once wrote. "Like a paranoiac, it behaves logically; but since its premises are senseless, the same is true of the results." He might just as well have been describing the American system of campaign-finance regulation. It, too, goes through all the motions of being rational, even hyperrational; yet it too is senseless, because its premises are incurably wrong.

The system assumes that private money is evil, that elaborate rules can squeeze out the money, and that the squeezing can be done without infringing on core political freedoms, notably freedom of speech. Wrong, wrong, and wrong. Private money is not an intrusion into politics, it is a part of politics. It can be channeled but not eliminated, nor even reduced more than a little. The attempt to regulate money out of politics mainly pays for the vacation homes of lawyers, while restricting and, increasingly, even criminalizing ordinary political activity.

Washington framed the current campaign-finance laws in the 1970s, around the time it was also trying wage-and-price controls and energy rationing. The latter two policies are long gone and gratefully forgotten, but the dysfunctional 1970s campaign-finance system remains, and continues to command the intense and often dogmatic loyalty of the generation that saddled us with it. True, Washington just "reformed" it. I use the quotation marks because the newly enacted McCain-Feingold-Shays-Meehan bill is no more a real reform than was Mikhail Gorbachev's perestroika. The new law contains one provision—its unprecedented crackdown on political advertising by advocacy groups—that is blatantly unconstitutional, but the Supreme Court will probably knock that out. What will remain is a law that will do some sensible things, on the margins, and also maybe a few not-so-sensible things. But mostly it just piles new 1970s-style rules on top of the old 1970s-style rules, which means it won't work. In the long run, the McCain-Feingold-Shays-Meehan bill's most useful contribution will be to help demonstrate the futility of patching the 1970s system.



VOTING WITH DOLLARS:
A New Paradigm for Campaign Finance
by Bruce Ackerman and Ian Ayres
Yale University Press, $29.95

A growing number of reformers—no quotation marks, this time—understand as much. Several states are experimenting, so far pretty successfully, with "clean money" options that publicly finance candidates who turn down private money. On the right, thinkers like Bradley A. Smith (now a member of the Federal Election Commission) are building a formidable, if not wholly satisfying, case for outright deregulation. Then there is the Jonathan Rauch plan, a two-track system that combines the benefits of deregulation (cut red tape) with the benefits of public financing (candidates needn't be professional fundraisers and special-interest dependents). I would

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provide generous public financing for candidates who didn't raise or accept private money (though parties could raise it for them), but—unlike the "clean money" reformers—I would also eliminate all limits except disclosure on candidates who decided to finance their campaigns privately. Instead of trying to squeeze out private money, the Rauch plan would simply provide an alternative to it and let the voters choose. I thought I was a radical—but then Bruce Ackerman and Ian Ayres came along.

"Campaign finance lives in a time warp, untouched by the regulatory revolution of the past generation," they write. "Command and control, bureaucratic subsidies, and full information are part of the problem, not part of the solution." Their answer is ingenious and audacious. The problem is not too much money and too little information, they say; it is too little money and too much information. Candidates have to beg for scarce dollars from donors whose identities they know, with battalions of lawyers monitoring (and gaming) every transaction.

Ackerman and Ayres, who are both professors at Yale, propose instead to require that all political contributions be anonymous. You could give as much as you wanted to as many politicians as you liked, but the money would go through a blind trust administered by the government. True, you could then simply tell the candidates about your donations. The candidates, however, would have no way of checking, because all contributions would be made through an anonymous "donation booth." The donation booth, like a voting booth, would be shrouded in secrecy: Except for small contributions of $200 or less, no records would link supporter to candidate.

Private donations would fall off somewhat if donors couldn't take credit for them. So Ackerman and Ayres further propose to give every voter a $50 voucher to donate to one or more politicians of her choice. That's about $5 billion—more than the total spent on political campaigns in 2000. The money would be completely clean, and it would be dispensed by people rather than bureaucrats. Candidates would market themselves to voters, saying, "Here's why I deserve your voucher." That would draw ordinary people into the system as political donors. End result: more money, more speech, more participation, more equality. And fewer lawyers.

The devil is in the details, and the details are devilish. When the authors start considering political action committees, independent issue advocacy, and "early money" for candidates first launching their campaigns, things get complicated. The authors devote three appendices, a 40-page model statute, and much of the rest of the book to explaining exactly how their system would work. Even so, every reader will find things to quibble with. For instance, their scheme to offset the effects of independent political advertising won't work and isn't necessary (private political speech is an asset, not a "threat").

Still, three points weigh strongly in Ackerman and Ayres' favor. First, their book is genuinely innovative without being silly or naive. Second, their approach, whether or not you buy it, is realistic and built on real-world premises, which the current regime is not. Third, the creative radicalism of *Voting with Dollars* can only help jolt Washington's campaign finance "reformers" out of their 25-year rut.

Congressmen Marty Meehan and Chrisopher Shays embrace after their campaign finance reform bill passes in the House.

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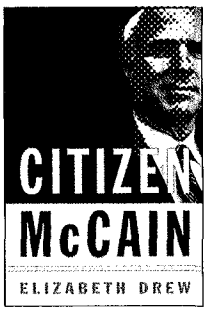
Political Booknotes

Saint John

By Timothy Noah

THE RECENT ENACTMENT OF the first major overhaul of campaign-finance law since 1974 ought to provide great material for a book, and Elizabeth Drew ought to be the ideal journalist to write it. Two decades ago, in her book *Politics and Money: The New Road to Corruption*, Drew was one of the first reporters to point out the soft-money loophole allowing corporations and wealthy individuals to donate unrestricted amounts to political parties. The flow of soft money was undermining the post-Watergate limits on campaign giving, but at the time, very few people had even heard the term "soft money." Although jeremiads about the need for additional campaign-finance reform were plentiful, they nearly always focused on the need to rein in political action committees, a problem that would soon be dwarfed by the soft-money deluge. Political parties were not even required by law to make public the information about who gave soft-money and how much they gave, and as a consequence they didn't. *Politics and Money* helped to change all that.



CITIZEN MCCAIN:
Maverick Politician
by Elizabeth Drew
Simon & Schuster, $23.00

Unfortunately, *Citizen McCain* is no *Politics and Money*. Rather than focus on the nuts and bolts of the new campaign-finance law (which bans soft-money contributions to national parties), on the clash of interests and ideologies that shaped it, and on the possible benefits or difficulties it will create, Drew relates the narrative of John McCain's labors to get the bill through Congress. That's a real disappointment. Drew's expertise on campaign-finance law and how it has been subverted in the past would be of great use in sorting through the arguments, pro and con, about how much use the new law will be. Is the soft-money ban likely to pass muster in the courts? Will it weaken the political parties? How quickly should we expect clever lawyers to find ways to get around the new restrictions? I incline toward the view that campaign-finance laws merely slow the flow of money until new loopholes are found, yet that this is in itself valuable. Like McCain, I'm not dispirited by the notion that Congress will have to revisit the issue every few years. (To complain that any given campaign-finance reform is impermanent is like saying, "Why vacuum the carpet when it's just going to get dirty again?") But maybe I'm wrong. I haven't done much reporting on the subject and I haven't engaged the various arguments as fully as I ought. A book that did this for me (in greater depth than what newspapers and magazines provide) would be of real value. Drew didn't write it.

Another book Drew didn't write was a full-bodied narrative of how the campaign-finance bill became law, on the order of Alan Murray and Jeffrey Birnbaum's *Showdown at Gucci Gulch* (about the 1986 tax-reform bill) or Steven Waldman's *The Bill* (about the creation of AmeriCorps). To write such a book, Drew would have had to delve into a variety of characters and incidents. But principal players in the fight over campaign finance reform—Sen. Mitch McConnell, Sen. Russell Feingold, Rep. Marty Meehan—appear at best fleetingly in Drew's narrative. As the title suggests, the book is really about John McCain, who, though clearly the most important actor in this play, isn't the only one.

What we have instead is a McCain's-eye-view of the campaign reform fight. That would have been interesting if Drew had been able to snag insider details unavailable to other journalists. But she wasn't, probably through no great fault of her own. (McCain is not known for his inaccessibility.) The outbursts, the badinage with his staff, the various ways McCain relates contemporary events to his harrowing experience as a prisoner of war in North Vietnam—we've read about these many times before. Nor does Drew have a particularly original view about what makes McCain tick. New-Journalism-style literary experimentation that put the reader inside her subject's head might have perked things up, but Drew is no Tom Wolfe or Richard Ben Cramer (and is wise not to try to be). Even as a threadbare narrative of McCain's campaign-bill crusade, the book disappoints because it veers off toward the end to describe McCain's post-September 11 efforts to pass an airport-security bill, to fend off a huge tax cut, and, in general, to reassure the country. "McCain's instinct for what the psyche of the nation needed was in perfect working order," Drew asserts.

That observation, and others like it sprinkled throughout the book, convey Drew's unqualified adoration of McCain. I say this as a strong admirer of McCain who is deeply impressed by McCain's life story and his willingness to fight for unpopular ideas, most of which I agree with. I'm even willing to accept Drew's thesis that with the campaign-finance bill, McCain proved that he could actually get things done in Congress. (One rap against McCain had been that he was too ornery and publicity-hungry, and not diplomatic enough, to work well with others.) Drew, though, can't stop gushing. McCain is "the most consistently sought-after, and the clearest, voice out of Washington." He's beloved by his staff, which is important because politicians' "relations with their staffs offer a more accurate measure of their character." McCain's appearances on Don Imus's radio show demonstrate that "McCain has figured out how to tap into the popular culture." McCain doesn't ignore the needs of Arizonans, "[d]espite all his national prominence."

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After September 11, McCain "offered more leadership than did the President." When Bush finally started speaking eloquently about the crisis, it was because his "rhetoric was starting to resemble McCain's." When McCain gave a eulogy for Mark Bingham, one of the passengers who wrested control of United Flight 93 out of the hands of terrorist hijackers steering the plane toward Washington, "[t]here was no publicity about the event." (Oh yeah? Then how come I knew about it?)

Drew does neither her readers nor McCain any favors by putting the man on a pedestal. If he runs for president in 2004, the voters are bound to learn that McCain pushed an unnecessarily sweeping taxpayer bailout for the airline industry (Drew mentions the bill, but not that many people saw it as an outrageous act of corporate welfare) and that McCain is himself capable of being a fiscal demagogue (during the 2000 campaign he outflanked Bush by refusing to consider taxing Internet commerce, a fact that Drew never mentions when touting McCain's fiscal responsibility). The plaster saint that Drew sculpts here could never have gotten campaign finance reform through Congress, and would be smashed to pieces if he were ever elected president. Fortunately, the real McCain is a lot fleshier and more conniving than this book lets on.

TIMOTHY NOAH, *a contributing editor of* The Washington Monthly, *writes* Slate's *"Chatterbox" column.*

Race For the Cure

By Garance Franke-Ruta

IN THE LATE '90S, RELATIONS between African nations and American pharmaceutical companies were roiled by arguments that exclusive American patents on expensive AIDS drugs were leading to thousands of deaths in AIDS-plagued Third World nations that couldn't afford the treatments. Meanwhile, cheaper generic versions of the anti-viral drugs were being manufactured in Brazil and India. South Africa led the charge against the Americans by announcing it would ignore the patents and import the generics; the pharmaceutical firms cried foul and sued to retain rights to their intellectual property. In the end, humanitarianism won. The firms ceded their case after an international outcry, and President Bill Clinton gave AIDS-afflicted, impoverished countries the green light to import medications cheaply from wherever they could, regardless of the patent rules. It was an international public health emergency, after all.

THE FEVER TRAIL:
In Search of the Cure
For Malaria
by Mark Honigsbaum
Farrar Straus Giroux, $25.00

The conflict between the drug companies and disease-ravaged Third World nations seemed to mark a new low by greedy American medical corporations, apparently indifferent to human suffering. But when it comes to the treatment of epidemic disease, the conflict between commerce and humanitarianism is nothing new. Some 150 years ago, a similar conflict over a critical treatment for an international scourge pitted Americans against the health needs of India, Africa, and Europe. But the last time around, the scourge was malaria, and the Americans seeking to keep a tight rein on their profitable treatment were South Americans in Bolivia, Peru, and Ecuador.

Variously known an "intermittent fever" or "ague," malaria had been endemic in the marshy, fenny lowlands of Europe and Africa for millennia. But soon after the colonization of America, the mosquito-borne malady made itself at home in swampy jungles and marshy plains all the way from Patagonia to New York City. The American role in the story begins in 1663, writes Mark Honigsbaum, a former chief reporter for London's *The Observer*, in his first book, *The Fever Trail.* That year, a tale began circulating in Europe about a Spanish Contessa who had been miraculously cured of an intermittent fever while in Lima, the capital of the Spanish Viceroyalty of Peru. A Jesuit missionary had reportedly given her an indigenous infusion made from something the Indians called quina quina, "bark of barks," or ayac cara, "bitter bark." Restored to perfect health, the Contessa de Chinchon returned to her native land, where she spread news of the "fever bark" far and wide.

Alas, writes Honigsbaum, the Contessa's story is more delicious than true. She died in Peru, never returning to her homeland, and may never have had malaria at all. And though the Jesuits did play a role in popularizing the indigenous fever-treatment during the 17th century, it's not entirely clear who first stumbled across this New World remedy for the Old World scourge of malaria. What is clear is that quinine, the active anti-malarial alkaloid in the bark of the South American cinchona tree soon became the only known treatment for the disease caused by the as-yet undiscovered *Plasmodium falciparum* parasite. It retained that singular status for more than two and a half centuries. And for the first 200 years it was used, the South American colonies and nations to which the tree was native retained exclusive control over the growth and harvest of quinine-tree bark.

The Fever Trail is an illuminating, profusely detailed, and confusingly organized yarn about the arduous European quest to end the South American quinine monopoly by transplanting cinchona and red calisaya trees, whose bark had an even higher concentration of quinine, to plantations in Europe, India, and Indonesia. There, the trees could supply European quinine needs, treat malaria-stricken populaces, and underwrite British and Dutch colonial ambitions.

The quest was stifled for centuries by the sheer difficulty of locating the trees in remote reaches of the Peruvian Andes—as well as in cloud forests and high mountains in Bolivia, Colombia, and Ecuador—and then transporting the delicate seedlings and seeds half way around

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the world on grueling voyages that could take three and a half months. International politics, wars, and the internal politics of botanical societies further complicated the picture. And the South Americans, much like modern American drug companies, worked hard to thwart the Europeans' incursion into their lucrative market. Bark cutters in Ecuador, Bolivia, and Peru all tried to thwart export of the seeds in order to maintain their monopoly—going so far as to poison seedlings' transport cases with arsenic or surreptitiously roasting seeds so they wouldn't germinate, as well as harassing and expelling European seed-seekers.

Honigsbaum is sympathetic to the South Americans, and dubs the European efforts to obtain cinchona and calisaya roja seeds "The Biggest Robbery in History." This seems eminently questionable, however, given that European claims of a humanitarian need for increased—and cheaper—quinine supplies were as real as Africa's need for cheap retroviral drugs. By the mid 19th century, the Bolivian cinchona and calisaya forests were overcut and poorly managed, and malaria remained a major, untreated scourge in India, Africa, and what is now Indonesia.

Honigsbaum's meandering narrative returns again and again to the three main players, all English, involved in the transfer of cinchona and calisaya trees into European hands. They include the well-connected botanist Sir Clements Markham, who secured cinchona seeds in Peru to develop a British fever-tree plantation in India, and Richard Spruce, an English botanist-explorer who trekked deep into Venezuela to secure seeds that would also germinate in India. But it was merchant Charles Ledger who outstripped them all.

Ledger sent his friend and longtime Indian guide, Manuel Incra Mamani, to acquire seeds from a particularly majestic old stand of calisaya rojos in Bolivia. Mamani waited five years for the right combination of rain and sun to gather the perfect seeds, and was eventually beaten and starved to death by his fellow Bolivians for helping a foreigner obtain their treasure. But those seeds turned out to be from plants that were the richest in quinine yet discovered, and the Dutch turned them into a plantation and quinine factory in Buitzenburg, Java, that became the best in the world.

Quinine retained its central status as an anti-malarial treatment until synthetic chloroquine and other advanced medications were introduced in the mid 20th century—medications which raised their own complex ownership issues. Chloroquine, for example, was first patented as Resochin by Nazi Herman Goering in 1934. Perhaps for this reason, Honigsbaum writes, German scientists at I.G. Farben exaggerated its toxicity, and it was not developed for general use until rediscovered by the company's American affiliate, Winthrop Stearns, a decade later.

Today, malaria has been largely eradicated from Europe, North America, and parts of Asia. But it remains a potent global health threat. It kills, according to the World Health Organization, between 1.5 and 2.7 million people per year of the 300 to 500 million it sickens. Half the victims are children in Sub-Saharan Africa. The search for a vaccine has yet to bear fruit and is unlikely to do so for several decades to come. Meanwhile, malaria has proved itself increasingly adept at resistance to quinine and every new drug scientists develop, and pharmaceutical firms are reluctant to invest in research to develop a product the First World scarcely needs and the Third World can hardly afford. And so the tension between profits and philanthropy that characterized early efforts to control ownership of the quinine tree remains central to the battle against malaria, even as the science has moved on.

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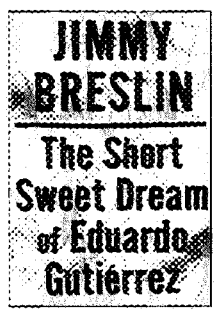
Concrete Martyr

By Avishay Artsy

THE STREAM OF MEXICAN workers flowing over America's southern border has always caused mixed reactions among U.S. citizens. As part of a nation of immigrants, many Americans have expressed deep sympathy for the plight of poor, illegal aliens and strongly believe in their right to work hard for a better life within our borders. On the other extreme, some have greeted their arrival with the panic and fear illustrated by the ranting Patrick Buchanan, who views the foreign-born population as a cultural challenge, if not an outright crisis. But generally, the most common reaction produced by the millions of illegal Mexican workers now living among us is: nothing. They remain largely invisible, cleaning our pools and building our Wal-Marts, but their stories remain unknown and mostly ignored.



THE SHORT SWEET DREAM OF EDUARDO GUTIERREZ
by Jimmy Breslin
Crown Publishing, $22.00

In his new book, *The Short Sweet Dream of Eduardo Gutiérrez*, Jimmy Breslin has attempted to change all that by putting a face on the country's estimated 8.5 million illegal immigrants. The Pulitzer-winning *Newsday* columnist's latest offering got its start in late November 1999, when a 21-year-old Mexican construction worker, Tomas Eduardo Daniel Gutiérrez, died when a building he was working on collapsed and he plunged, headfirst, three stories to drown in a pool of concrete.

Gutiérrez's death caused a minor media flurry and was just as soon forgotten. Breslin, at work in his *Newsday* office, heard of the incident and immediately recalled Pietro di Donato's novel *Christ in Concrete*, a 1939 cult classic about an Italian immigrant laborer crushed slowly to death in a construction accident. Breslin was struck by the similarities and rushed to the scene. Gutiérrez became Bres-

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lin's near-forgotten martyr, rescued from obscurity to symbolize the struggle of an invisible workforce, demonized by lawmakers yet fueling the American economy with its cheap labor.

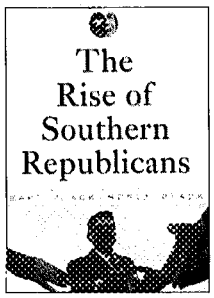
The famous Irish-American newspaperman, renowned for his interview with John Kennedy's gravedigger, reconstructs Gutiérrez's life, describing the dangerous passage he made from the dusty and impoverished town of San Matías in central Mexico to a Brighton Beach apartment sardine-packed with Mexican expatriates. The account of Gutiérrez's life, painstakingly pieced together, begins with a childhood spent dreaming of America's riches and ends with a casket flown back to his family.

In telling Gutiérrez's story, Breslin presents a scathing critique of a flawed system in which a corrupt builder, son of a Hasidic rabbi, is allowed to continue his construction projects, despite repeated mishaps, thanks to his fundraising ties to New York Mayor Rudolph Giuliani. This longstanding alliance between the New York political establishment and the Hasidic community, which traded some of its political support for the blind eye of the building inspector, is what ultimately brought about Gutiérrez's death.

While Breslin is at his best describing the tragedy inherent in illegal immigration, he is less effective in suggesting what should be done about it. He convincingly argues that attempting to halt the thousands of Mexicans who undertake the treacherous journey every day is "utter foolishness." But while an open border seems markedly in accordance with the free-market ideas of the North American Free Trade Agreement, allowing such unregulated movement of labor creates a host of problems that Breslin fails to address. Breslin also tends to lose himself in details, devoting entire sections to skin pigmentation, the perils and profits of drug trafficking, and the political rise and Mafia connections of Giuliani. These tangential sections add color to the story, but just as often leave the reader bogged down in seemingly unrelated diatribes. Breslin's cold fury seems to leave no stone unturned; perhaps some were better left in place.

While Breslin was writing his book, President Bush and Mexican President Vicente Fox were in the midst of discussions about granting legal status to many undocumented immigrants living in the United States, as well as loosening border restrictions. Bush's amnesty proposal would have given Mexican workers legal residence, letting them demand higher wages, freedom to return to visit their families in Mexico, and eventually to receive the benefits of the Social Security fund to which many of them contribute. Then came September 11, and the idea was hastily pushed off the table. Breslin's book serves as a needed reminder that the issue cannot—and should not—be ignored for long.

AVISHAY ARTSY *is a* Washington Monthly *intern.*



THE RISE OF SOUTHERN REPUBLICANS
by Earl Black and Merle Black
Belknap Press, $29.95

The Bubba Vote

By Major Garrett

YOU MIGHT AS WELL BUY THIS book now, because it's already required reading at the Bush White House and the Democratic National Committee. Or at least it should be.

Everything you need to know about Election 2002 is in Earl and Merle Black's new book, *The Rise of Southern Republicans*. Forget issues. Forget national polling data on generic party comparisons. Forget the final grotesque lunging for soft-money donations.

Election 2002 is about control of the House and Senate and, by extension, the future of the Bush agenda and prospects for Bush's reelection in 2004. And the path to majority power runs through the Old Confederacy. Five Senate seats are up for grabs there; if Democrats have any chance of winning back the House, they must take back from Republicans the seats lost in the 1994 Gingrich Revolution and win seats added through redistricting.

And as the Black brothers explain in exhausting detail (with more logrithmic graphs than my high school trigonometry text), Democrats have a fighting chance in Senate seats and very dim prospects when it comes to defeating Republicans or winning open seats born of redistricting.

When it comes to winning House races, Democrats must win in majority white districts where the cultural, economic and political trends favor Republicans. The Gingrich Revolution set these trends in motion. In 1994 Republicans won a majority of House seats in the South for the first time since 1874. The narrow, three-seat margin ballooned to 17 seats in 1996 even as the party lost seats overall. The 17-seat Southern advantage has, from the eyes of national Democrats, persisted stubbornly ever since.

The irony is not lost on the Black brothers, both professors of political science and government at southern universities:

"In 2001 the Republican party's fragile control of the House of Representatives thus rested entirely on the realignment of the region historically most hostile to the Republican Party."

In Senate races, Democrats can and have relied heavily upon strong black voter turnout to compensate for massive white defections to the GOP—defections that have demolished what used to be an impenetrable Democratic stranglehold on the region.

As the Black brothers explain, the basic Democratic formula for survival in Senate races is economic conservatism matched with strong civil rights credentials. Put more bluntly: Bush tax cut = Yes. Charles Pickering = No. This formula has kept Democrats competitive in Senate races because mas-

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ive black turnout can and often has determined the Democrats' fate (just ask Wyche Fowler, victimized by low black turnout in 1992, and Ernest Hollings, who won in 1998 with 90 percent of a heavy black turnout and only 39 percent of the white vote).

The rise of southern Republicans is one of the most consequential stories in modern American politics. For political reporters of a certain generation (read under 50), the Democratic dominance of Southern congressional politics is barely understood. The Black brothers make it all very clear.

Southern Republicans won only seven of 2,434 congressional elections during the first half of the 20th century. Matters were even worse for Southern Republicans with senatorial ambitions. The last Republican senator was Jeter Pritchard, who had been chosen by the North Carolina legislature in 1895. After Pritchard's term expired in 1903, every southern senator had been a Democrat.

The seeds of Democratic dominance were sown during the Civil War and Reconstruction. Southern whites hated the party of Lincoln for abolishing slavery and humiliating them during Reconstruction. Southern Democrats came to Washington with one overarching goal: maintain segregation at all costs. Southerners rose to power through seniority and used all parliamentary powers to kill civil rights legislation for nearly a century.

As the Black brothers explain: "Before the Senate adopted a cloture rule in 1917, southern Democrats could use the tradition of unlimited debate to force the withdrawal of any legislation that challenged the region's institutions of white supremacy. Between 1917 and 1964 cloture had never been invoked on behalf of civil rights legislation."

The Democrats' stranglehold on the South began to loosen after passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. And the Blacks argue it was Barry Goldwater, and not Richard Nixon, who established the first GOP beachhead in the South—by opposing federal civil rights legislation. Since then, the Black brothers show, more whites have voted Republican than Democratic in every single presidential election.

Nixon and Ronald Reagan built huge southern presidential majorities, but it wasn't until the 1990s that Republicans translated presidential party identification to congressional party identification. The Reagan years, they argue, gave Republicanism newfound legitimacy.

With that legitimacy came a grassroots network of Republican operatives who built statewide organizations committed to lower taxes, strong defense, smaller government, and conservative cultural values.

The spread of state GOP organizations, note the Blacks, was also accelerated by the mobilization of evangelical Christians, who also gravitated to the GOP. Southern Republicanism has produced a solidly southern GOP congressional leadership—a dynamic the Black brothers contend will last as long as the party retains its southern congressional majority.

The result, they suggest, will be legislation tailored to white voters of various income levels throughout rural and suburban southern districts. These voters, the Black brothers contend, form the core of the new Republican southern majority. As such, they are vital to continued GOP control of the House and pivotal in both parties' pursuit of a Senate majority this year. Big GOP Senate gains in 1980 and 1994 coincided with high southern white turnout, just as big GOP setbacks in 1986 and 2000 coincided with lower white turnout and high black turnout.

In additional to analyzing regional trends in the South, the Black brothers dissect trends in key southern states, reviewing key House and Senate races since Republicans began aggressively contesting races in the South in the late '70s and early '80s. It is in this analysis of discrete voting trends throughout the South that top GOP and Democratic strategists might find keys to House and Senate victories in 2002.

The book's conclusion says it all: "Rising congressional Republicanism in the oldest regional stronghold of the Democratic Party has reshaped the Republicans into a truly national party for the first time since Reconstruction. Not since Whigs fought Democrats in the 1830s and 1840s has American politics been based on a thoroughly nationalized two-party system. Because leaders in both parties can easily see ways to win or lose their House and Senate majorities, the national stakes of each election cycle are permanently high."

MAJOR GARRETT *is a White House correspondent for* CNN.

Bubble Boy

By Justin Peters

PHILIP J. KAPLAN IS AN IDIOT. He says so himself, repeatedly, in his book *F'd Companies: Spectacular Dot-Com Flameouts*. "I'm an idiot dork," he blithely proclaims. When an author is so insistent about establishing his idiocy at the outset of his book, he is either being pathologically self-deprecating or painfully honest. Judging from the 191 odious pages that make up *F'd Companies*, Kaplan is simply telling it like it is.

In May 2000, Kaplan, a 25-year-old web designer, created a website called fuckedcompany.com. Fuckedcompany became the Nelson Muntz of the dot-com bust, pointing and laughing with malicious glee as company after company crashed and burned. Visitors to the site could make snide remarks about the dumbest dot-concepts, tell incredible stories about company waste, and lay odds on which dot-com would be the next to fail.

Within weeks of its launch, fuckedcompany.com became one of the most popular sites on the Internet. "I had thousands of emails

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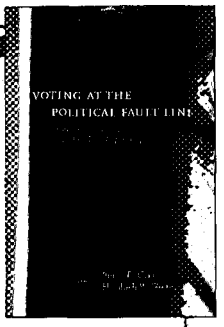

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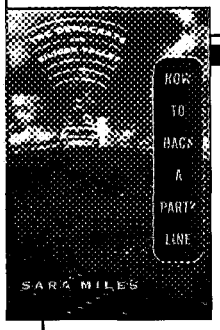

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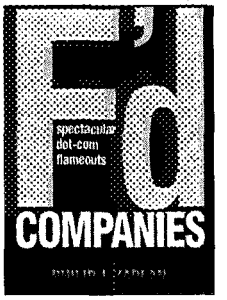
from dot-com employees informing me of the goings on in their companies," writes Kaplan. "I received email from laid-off dot-commers on the brink of depression, thanking me for the site, explaining that it was therapeutic to read and they knew they weren't alone and they weren't to blame."



F'D COMPANIES:
Spectacular Dot.com Flameouts
by Philip J. Kaplan
Simon & Schuster, $18.00

Kaplan apparently managed to parlay his snarky website into a book deal, and *F'd Companies* is the snarky result. Basically an extended version of the site, *F'd Companies* is a compendium of New Economy stupidity, an incredulous chronicle of some of the biggest dot-com failures. Kaplan examines about 100 different companies, and, in a dashed-off paragraph or two each, explains how and why each met its doom.

Most of these companies deserved to die. The tech boom was largely defined by misguided priorities and bad ideas, and *F'd Companies* reminds us just how bad some of these ideas were. The book recalls such paragons of business-school profit models as Next50.com, the company that thought it could make millions by being "THE Internet resource for people over 50," and, of course, the inimitable Flooz.com, which expected people to pay them real money in exchange for "Flooz," an alternative online currency with no intrinsic value that could only be used at participating Internet retailers.

These failed companies deserve Philip Kaplan. The dot-com bubble was in large part due to a bunch of callow young men with dollar signs for eyeballs, whose greed and naïveté effectively created and destroyed an entire industry in the span of less than five years. Thus, it's altogether fitting that another callow young man is the one appointed to hold them in judgment and chronicle their downfall. So, in terms of cosmic justice, *F'd Companies* is kind of satisfying. But that is the *only* thing satisfying about it.

The book is written in "chat-room" style: sentence fragments, caps lock, and cuss words. Yet the result is far from "hip" and "edgy"—it's just incredibly annoying. Kaplan comes across as an obnoxious, illiterate nerd who, as he proudly notes, is "just making all this shit up anyway." Most of his insights are trite, obvious, and unfunny ("We all know that porn equals success." Yeah, har har, Phil.), and about the best thing that can be said for the book is that it's over quickly. It took me 45 minutes to read *F'd Companies*—probably about as long as it took Kaplan to write it.

This isn't to say that he doesn't get off some good lines. Making fun of dot-coms is like shooting fish in a barrel; even a confirmed idiot is bound to hit now and again. Writing about failed online car dealer imotors.com, Kaplan neatly sums up their target demographic: "People born yesterday who were afraid to leave the house, yet still wanted a used car."

It's lines like that which make me think that somewhere, buried under all of the hypercapitalization and gratuitous masturbation references, Kaplan actually might have something interesting and worthwhile to say. But I suppose it's easier to be mindlessly cynical; easier still to put absolutely no effort into the writing of a book. *F'd Company* reads like it was written while Kaplan was otherwise occupied: talking on the telephone, perhaps, or counting the money from his book advance—which, judging from the self-satisfied grin he wears on the book jacket, was a substantial one indeed. Who says that nobody's making money off of dot-coms anymore?

JUSTIN PETERS *is a* Washington Monthly *intern.*

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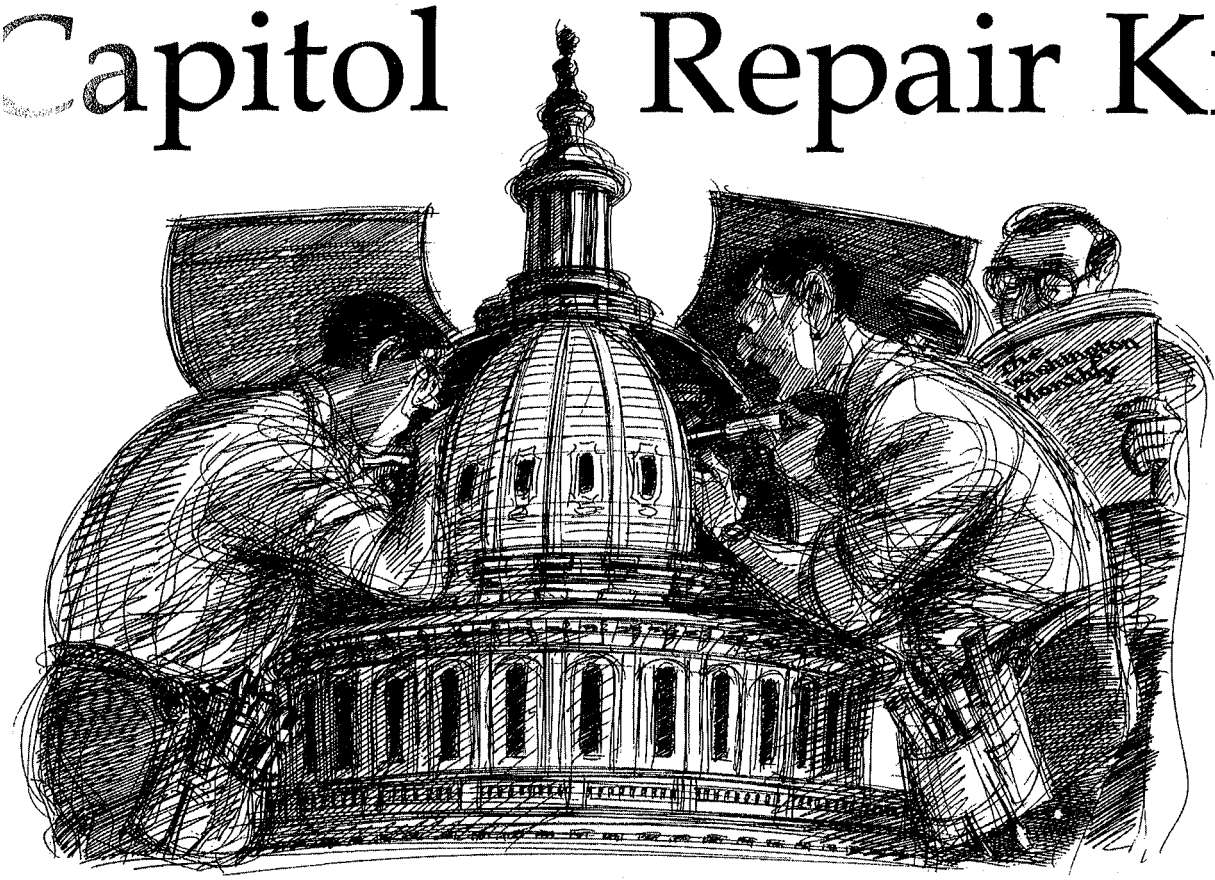

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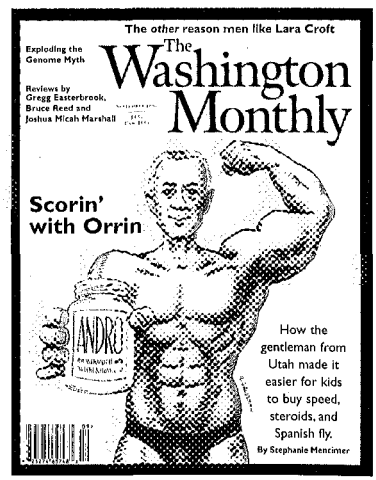

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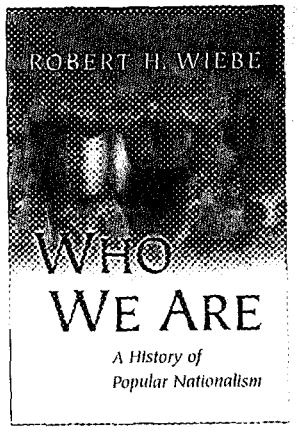

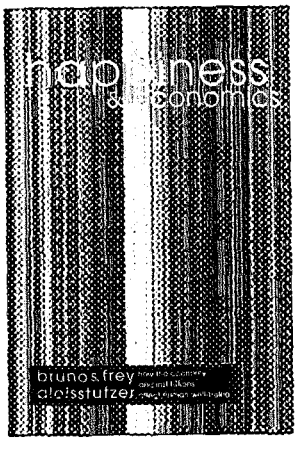

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